



# भारत का राजपत्र

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इस भाग थे मिल 406 मंडवा दो दारों हैं जिससे कि यह घलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)  
NOTIFICATION

New Delhi, the 9th August 1967

**S.O. 2867.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following report of the Central Government Court of Enquiry, Bombay, in the industrial dispute between the employers in relation to the major ports in India and their workmen which was received by the Central Government on the 5th August, 1967.

## THE CENTRAL GOVERNMENT COURT OF ENQUIRY AT BOMBAY

Employers in relation to the major ports in India

AND

their workmen

PRESENT:

Shri Salim M. Merchant, Sole Member.

APPEARANCES:

For the employers:

Shri M. R. S. Captain and Shri R. K. Shetty, Legal and Deputy Legal Adviser, Shri P. A. Bhandarkar, Assistant Secretary with Shri D. S. Basrur, Deputy Docks Manager, for the Bombay Port Trust.

Shri G. V. Karlekar, Chief Labour Officer, Shri D. K. Sen, Senior Accounts Officer with Shri B. K. Kapur, Deputy Dock Manager, for the Calcutta Port Commissioners.

Shri V. A. Jaywant, Traffic Manager, for the Madras Port Trust.

Shri M. G. Rao, Deputy Traffic Manager, for the Cochin Port Trust.

Shri K. Arvindakshan, Deputy Traffic Manager, for the Visakhapatnam Port Trust.

*For the workmen :*

Shri S. R. Kulkarni, President, with Shri S. C. C. Anthony Pillai, Vice-President and Shri Makhan Chatterjee, General Secretary, all India Port and Dock Workers' Federation.

Shri H. N. Trivedi, President, Indian National Port and Dock Workers' Federation.

Shri Manohar Kotwal, Secretary, Transport and Dock Workers' Union, Bombay.

Shri K. K. A. Nair, Secretary, Dock Workers' Association, Bombay.

Shri G. H. Kale, President with Shri S. Maitra, General Secretary, B.P.T., General Workers' Union,

Shri S. K. Sintiye, General Secretary for the B.P.T., Employees' Union, Bombay.

Shri J. A. Mudur and Shri K. R. Bhat, Secretaries with Shri K. M. Rao, General Secretary, New National Dock Workers' Union, Bombay, Shri P. K. Dutta, Joint Secretary, Calcutta Dock Workers' Union.

Shri S. Das Gupta, Assistant General Secretary and Shri S. A. Quadri, Assistant Secretary, Calcutta Port Shramik Union.

Shri W. A. Azad, Office Secretary, Calcutta Dock Workers' Union.

Shri P. K. Ganguly, General Secretary of the National Union of Port Trust Employees (also known as National Union of Waterfront Workers).

Shri Debkumar Ganguli, Secretary, Port, Dock and Waterfront Federation of India.

Shri B. G. M. A. Narsingh Rao, President, Dock Workers' Union, Visakhapatnam.

Shri T.C.N. Menon, Advocate for the All India Port, Dock and Waterfront Workers' Union and the Cochin Port Employees' Union with Shri K. A. Rajan, Secretary, Cochin Port Employees' Union.

Shri K. A. Kochunny for the Cochin Port Thorumugha Thozhilali Union and the Cochin Port Workers' Union.

Dated Bombay, this 1st August 1967.

#### REPORT

##### CHAPTER I—Introductory

The Government of India by the Ministry of Labour and Employment's order No. 28(92)64-LRIV dated 19th March 1965 and published in the Gazette of India Part II section 3(ii) dated 26th March 1966 under S.O. No. 922 at page 867, made in exercise of the powers conferred by section 6 of the Industrial Disputes Act, 1947 (Act XIV of 1947) constituted a Court of Enquiry with me as Sole Member under clause (b) of Sub-section (1) of section 10 of the said Act and referred for enquiry to me the matter specified in the following schedule to the said order, being a matter which appeared to be connected with or relevant to an industrial dispute between the Employers in relation to the Calcutta Port and other Major Ports in India and their workmen:

#### SCHEDULE

"To enquire into the terms and conditions of service of 'B' category workmen at the Calcutta Port and other major ports and having regard *inter-alia* to the Resolution of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. 23-PLA (87)/58, dated the 20th July 1958 on the report of the Officer on Special Duty appointed to enquire into the demands of

Port and Dock Workers published in the Gazette of India Extraordinary Part I, Section I on the 21st July 1958 to recommend to the Government to what extent and in what manner the terms and conditions of service of the aforesaid 'B' category workmen should be improved."

2. Thereafter by letter No. 28(92)/64/LRIV dated 15th April 1966 the Ministry of Labour and Employment in reply to a query from this Court clarified that as the 'B' category workers were not employed in the Ports of Mormugao, Kandla and Paradeep the enquiry should be confined to the terms and conditions of service of 'B' category workers at the remaining five major ports of Calcutta, Bombay, Madras, Visakhapatnam and Cochin only.

3. After the written statements of the parties were called for and received, the enquiry was entered into and after it had progressed for some time the Government of India by another Notification No. 28(92)/64 LRIV, dated 4th November 1966 published in the Gazette of India Part II section 3(ii) dated 12th November 1966 under S.O. No. 3419 at page 3099 was pleased to refer for enquiry to me as the Sole Member of the Court of Enquiry the subject matters specified in the following schedule to the said order in respect of the terms and conditions of 'C' category workmen with regard to which an Industrial dispute had arisen between the major ports of India and their workmen:—

#### SCHEDULE

"To enquire into the terms and conditions of service of 'C' category workmen of the major ports and having regard *inter alia* to the resolution of the Government of India in the Ministry of Transport and Communications (Department of Transport), No. 23-PLA 87/58 dated 20th July 1958 on the report of the Officer on Special Duty appointed to enquire into the demands of port and dock workers published in the Gazette of India Extraordinary Part I Section I on the 21st July 1958 to recommend to the Government to what extent and in what manner the terms and conditions of service of the aforesaid 'C' category workmen should be improved."

4. Upon receipt of this reference notices were issued to all the Major Ports and the various Federations and Unions representing the concerned workmen for written statements. The Written Statements were received in the first reference regarding 'B' category workmen from the parties listed in Annexure 'A' and in respect of the second reference regarding 'C' category workmen from the parties listed in Annexure 'B'.

5. The submissions of the representatives of the parties were heard at Bombay, Calcutta and Cochin. The representatives of the port authorities and the workmen of Madras and Visakhapatnam ports made their submissions at Bombay.

6. As under the terms of both references this court has to enquire into the terms and conditions of service of 'B' and 'C' category workmen and to report in what manner their terms and conditions of service need to be improved, bearing in mind *inter alia* the Resolution of the Ministry of Transport and Communications (Department of Transport) No. 23-PLA 87/58 dated 20th July 1958 on the Report of the Officer on Special Duty, (to which I shall hereafter refer as the Government Resolution of 20th July 1958) I think it necessary at the outset to give a brief account of the events leading upto the Government Resolution of 20th July 1958.

7. I may, however, pause to say that since both these references require me to bear in mind *inter alia* the Government Resolution of 20th July 1958 and as the Unions and Federations representing the workmen have made common submissions, I propose to make one report in respect of both 'B' and 'C' categories of workmen.

#### CHAPTER II—Traffic Handled in Major Ports of India from 1950-51 to 1966-67, with projection for 1970-71

India has a coastline of about 5,000 kilometres and has 7 major ports, 20 intermediate ports and 150 minor ports. Expansion in port capacity has been among the most important aspects of transport development under the Five Year Plans. The total capacity of the major ports of Calcutta, Bombay, Madras, Visakhapatnam, Cochin, Kandla and Mormugao is expected to be around 57 million tonnes at the end of the Third Plan. The capacity of the minor ports is reckoned at 8 million tonnes. The table given below compares traffic handled at the major ports on different dates.

(Million Tonnes)

Port	Year					
	1950-51	1955-56	1960-61	1964-65	1965-66	1966-67
Calcutta . . . .	7.6	8.0	9.5	11.1	9.7	Not available.
Bombay . . . .	7.0	10.3	14.7	17.3	17.9	"
Madras . . . .	2.2	2.4	3.2	4.4	4.0	"
Vishakhapatnam . . . .	1.0	1.3	2.9	3.9	4.4	"
Cochin . . . .	1.4	1.6	2.1	2.8	2.9	"
Kandla . . . .	0.1	0.3	1.6	2.3	2.5	"
Mormugao . . . .	..	..	..	6.6	7.9	"
TOTAL . . . .	19.3	23.9	33.8	48.4	50.2	"

2. In the main, port capacity has been developed under the Five Year Plan in response to the new needs which have arisen as a consequence of economic and industrial development. While increases in traffic in petroleum products and iron ore and other ores have been striking, there have also been substantial increases in the volume of fertilizers and machinery handled by the major ports. Capacity for handling foodgrains has received critical attention during the past year and is now reckoned at 10 to 12 million tonnes a year. The distribution of traffic of commodities between different ports in 1965-66 is indicated in the table reproduced below:—

Port	Commodity	Year 1965-66						
		Petro- lum icum Produc- ts.	Iron Ore & other ores	Coal	Fertil- izer rock phos- phate & sul- phur	Food- grains	Iron & Steel & ma- chinery	Gen- eral Cargo
Calcutta . . . .	1.4	1.0	1.4	0.1	1.5	0.9	3.4	9.7
Bombay . . . .	9.4	0.5	..	0.5	2.6	0.9	4.0	17.9
Madras . . . .	0.9	1.2	0.4	0.5	0.9	0.2	0.8	4.9
Cochin . . . .	1.0	..	0.2	0.2	0.6	0.1	0.8	2.9
Vishakhapatnam . . . .	2.0	1.6	..	0.1	0.4	0.1	0.2	4.4
Kandla . . . .	0.9	..	..	0.1	1.2	..	0.3	2.5
Mormugao . . . .	0.1	7.6	..	0.1	..	..	0.1	7.9
TOTAL . . . .	15.7	11.9	2.0	1.6	7.2	2.2	9.6	50.2

3. Prior to the Five Year Plans, capacity in major ports, specially in Calcutta and Bombay were financed through market borrowings and the internal resources of the Port Trust. These two sources accounted for almost the entire investment of Rs. 39 crores in Calcutta before the First Plan. In Bombay out of a total investment of Rs. 27 crores before the First Plan, more than Rs. 20 crores were financed from borrowings and internal resources. Under the Plan the pattern of financing has changed markedly. Out of a total estimated investment of about Rs. 111 crores in the major ports of Calcutta, Bombay and Madras during the First, Second and Third Plans, Rs. 52 crores came from internal resources and Rs. 58 crores were found through loans from Government and International Agencies, with market borrowings making an altogether negligible contribution.

4. The Committee on Transport Policy and Co-ordination, Government of India, Planning Commission, in its final report published in January 1966 has expressed the view that the Central Government should insist on Port Trusts, specially in the larger ports, finding all the internal resources they can for development. They

should also be encouraged to seek loans directly from the market and to this end they should receive the necessary support from the Reserve Bank of India and the Government of India. The Committee has stated:—

“Indeed, as a matter of policy, the Port Trust should be expected so to manage their operations as to be able to draw at least part of their capital from the market.”

5. The table below sets out traffic in 1964-65 under major commodities at each port and that projected 1970-71:—

(Million Tonnes)

Major Ports	Petro-	Iron &	Coal	Fertil-	Food-	General	Total	
	leum- products	other ores		izers, rock phosphate and sulphur	grains	cargo		
	1	2	3	4	5	6	7	8
Calcutta								
1964-65	.	1.8	0.9	1.8	0.1	1.7	4.8	11.1
1970-71	.	2.8	3.2	2.0	1.7	2.3	6.9	18.9
Bombay								
1964-65	.	9.8	0.6	0.1	0.8	2.3	3.7	17.3
1970-71	.	6.9	0.3	..	1.0	1.2	7.1	16.5
Madras								
1964-65	.	0.8	1.0	0.5	0.3	0.8	1.0	4.4
1970-71	.	3.5	3.2	0.2	0.8	0.4	1.5	9.6
Cochin								
1964-65	.	1.1	..	0.3	0.3	0.4	0.7	2.8
1970-71	.	2.8	..	..	0.8	0.2	2.0	5.8
Visakhapatnam								
1964-65	.	2.1	0.5	0.1	0.1	0.4	0.7	3.9
1970-71	.	1.5	6.6	..	0.5	0.1	1.0	9.7
Kandla								
1964-65	.	0.6	0.1	..	0.1	0.9	0.6	2.3
1970-71	.	2.7	..	0.3	0.2	0.8	1.5	5.5
Mormugao								
1964-65	.	0.1	6.2	..	0.1	..	0.2	6.6
1970-71	.	0.2	6.3	0.8	0.4	..	0.6	8.3
Total								
1964-65	.	16.3	9.3	2.8	1.8	6.5	11.7	48.4
1970-71	.	20.4	19.6	3.3	5.4	5.0	20.6	74.3

Sources :—(1) Final Report in January 1966 of the Committee on Transport Policy and Co-ordination, Government of India, Planning Commission, Chapter IX pages 134-137.

(2) India Ports and Shipping Statistics No. 2, April 1967, published by the Transport Research Division, Ministry of Transport and Shipping, New Delhi, Section I pages 32, 32 and tables, 12 and 14.

### CHAPTER III—History of the employment of Dock Labour

1. As early as in 1931, the Royal Commission on Labour pointed out that the main problem in connection with Dock labour was that of minimising their hardships due to unemployment and underemployment. The Commission emphasised the importance of de-casualisation of Dock labour on the ground that labourers regularly offered themselves for work at the Docks, and were entitled to secure

as large a measure of regular employment as possible, and therefore recommended the de-casualisation of Dock workers with a view "to secure as large a measure of regular employment as the nature of the calling will allow." According to the Commission "the aim should be first to regulate the number of Dock labourers, in accordance with the requirements, and secondly, to ensure that the distribution of employment depends not on the caprice of the intermediaries but on a system which, as far as possible, gives all efficient men an equal share.

2. After the publication of the Report of the Royal Commission on Labour, the question of regularisation of employment of Dock labour and of affording them security of service and amenities for a decent living received the attention of the Government of India, and in 1939, a draft scheme was drawn up, which visualized the registration of men who were eligible for employment for Dock work with a view to regularising the supply of labour to make it bear some relation with the actual demands. The draft provided, among other things, for payment of attendance money or monthly minimum wage and inclusion of shore labour in the register. It appears that the consideration of this scheme was postponed several times and ultimately dropped on the ground that de-casualisation could not be proceeded with due to war conditions.

3. In 1944, due to shortage of labour caused by war conditions, the Madras Port Trust initiated a scheme for de-casualisation of shore labour. To begin with 700 men were included in the register for direct employment, though the requirement was of a far greater number. Subsequently, the strength of the departmentalised labour was increased to 1,000 and it was estimated that another 500 men would be required for meeting temporary requirements. Prior to the adoption of these measures by the Madras Port Trust, the work was got done through contractors in the same manner as in the Ports of Bombay and Calcutta till 1948, and by other Ports till 1959.

4. After World War II, the Government once again drew the attention of the Port Authorities to the need for de-casualisation of Dock workers. It was then considered that all labour employed by the Port Authorities and by contractors for work connected with the loading and unloading of ship should be covered by the de-casualisation scheme to be drawn up for the purpose.

5. In the Bombay and Calcutta Ports, de-casualisation of shore-labour took place in 1948. Both ports maintained two registers of shore workers. The workers whose names were included in the 'A' category or primary Register were given all benefits enjoyed by regular employees under the Port Authorities, and those included in the 'B' category or Secondary Register were employed after employment of 'A' category workers. In Madras, the Maistries of 'B' category gangs, and in Calcutta, the Sirdars of Secondary gangs, were granted an attendance allowance of 12 annas and Rupee 1/- respectively, whilst in Bombay all 'B' category workers were granted an attendance at the rate of 6 annas per day. According to the Unions, the practice of employment of 'C' category workers, developed as the Port Authorities failed to meet their requirements of labour from the two registers and thought it profitable to employ casual workers without giving them any amenities whatsoever.

6. The Dock Workers (Regulation of Employment) Act, 1948, was intended to be applied to all categories of labour working in the Ports, but the de-casualisation of Dock Workers Scheme, which was framed under this Act, was, on the representation of the Port Authorities, restricted to the stevedore labour only. The main grounds urged by the Port authorities for excluding the shore workers from the purview of the Scheme were:—

- (i) The shore labour was already decasualised and was reported to be working well in Calcutta and Madras.
- (ii) There was such wide disparity in the conditions of service etc. that it would be impossible to cover all Dock labour by a uniform scheme; that even if such a scheme was possible, it was doubtful whether it would be accepted by labour."

7. The decasualisation scheme framed under the provisions of the Dock Workers (Regulation of Employment) Act 1948 provided for two registers i.e. (i) Monthly register and (ii) Reserve Pool Register. The workers included in both registers are eligible for all benefits and amenities such as leave with pay, provident fund, medical facilities, weekly days of rest with pay, bonus, etc. with the only difference that the workmen on monthly register are monthly paid while the workers on reserve pool would get guaranteed minimum wages and attendance allowance. [Source: Report of the Dock Workers (Regulation of Employment) Enquiry Committee 1955 popularly known after its Chairman as the Vasist Report].

8. Before going further, it is necessary to state that generally speaking for loading and unloading of cargoes, the Port Authorities specially in the Ports of Calcutta, Bombay and Madras, supply labour for shore work and Stevedores employed by the Shipping Companies supply labour on board the ships. The decasualisation of the shore-workers was, as stated above, started in 1944 in Madras and in 1948 in Calcutta and Bombay. In the case of Stevedores' workers, however, decasualisation was initiated in Bombay in 1949.

9. The Dock Workers (Regulation of Employment) Act has been broadly based on the U.K. Dock Workers (Regulation and Employment) Act of 1946, with certain important deviations. Both Acts provide for making schemes for ensuring regularity of employment in the Ports. The principal differences and variations in the Act, are stated in Para 106 of the *Workers' Regulation Bill*, as follows:—

(a) While the preamble of the Indian Act merely states:

"Whereas it is expedient to provide for regulating the employment of Dock Workers", that of the U.K. Act is a little more comprehensive and is worded as "Provision may be made by Scheme under this Act for greater regularity of employment for dock workers and for securing that an adequate number of dock workers is available for the efficient performance of their work". The preamble of the U.K. Act has, however, been adopted as the objective of the Schemes framed under the Indian Act.

(b) Both the U.K. and the Indian Acts give identical definitions for 'Cargo', 'Dock workers' and 'employer' as quoted below:—

(i) "Cargo" includes anything carried or to be carried in a ship or other vessel.

(ii) "Dock workers" means a person employed or to be employed in, or in the vicinity of, any Port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving Port.

(iii) "Employer" in relation to a dock worker means the person by whom he is employed or to be employed as aforesaid.

The term "vessel" has not been defined in either of the Acts.

(c) The Indian Act provides for the constitution of an Advisory Committee and the appointment of Inspectors. A court can take cognisance of any offence made punishable under the Scheme only on a written report from the Inspector. There are no such provisions in the U.K. Act.

(d) The U.K. Act merely provides for securing that the rates of remunerations and conditions of service, etc., will be in accordance with any National or International Scheme for the time being in force, whereas the Indian Act . . . . . terms and conditions of such employment including rates of remuneration, hours of work, etc. etc. being regulated under the three Schemes made under the Act, and it specifically lays down that "workers will, subject to the conditions of the scheme, receive a minimum pay."

10. While this Act was still in the Bill stage, a settlement was reached on 22nd November 1947 between the Bombay Stevedores Association Limited and the Bombay Dock Workers Union, as a result of which the Bombay Stevedores Association requested the Government of India, to draw up a scheme to deal with the question of registration of Stevedores Workers, their employment and rotation, fixation of wages, and other conditions of employment. Accordingly the Government of India, by the Ministry of Labour's Notification dated 26th February 1948, set up a Committee under the Chairmanship of Shri S. C. Joshi, the then Chief Labour Commissioner, for framing a scheme for regulating employment of Dock Labour at the Bombay Port in pursuance of the terms of settlement referred to above. The Joshi's Committee submitted its final report on 10th July 1948, and along with certain recommendations, submitted a scheme for the Port of Bombay. It further recommended, "it will be better to introduce simultaneously a scheme in all the major Ports in respect of the same class and category of work or workers." The Joshi Committee analysed the important provisions of the U.K. Dock Workers (Regulation of Employment) Scheme of 1947, which had been drawn up under the authority of the U.K. Workers (Regulation of Employment) Act, 1946 and proposed a scheme for the Port of Bombay which was modelled more or less on the U.K. Scheme. The Government of India, after making certain amendments in the Scheme proposed by the Joshi Committee,

notified the Bombay Dock Workers (Regulation of Employment) Scheme on 27th January 1951, under the authority of the Dock Workers (Regulation of Employment) Act, 1948 and the Bombay Dock Labour Board which was entrusted with the working of the Scheme, was constituted on 9th April 1951, and the scheme was implemented for the Port of Bombay with effect from 1st February 1952. The Government of India drew up similar schemes for the Ports of Calcutta and Madras. The scheme for the Calcutta Port was notified on 5th October 1951, the Calcutta Dock Labour Board was constituted on 2nd September 1952 and the Scheme was implemented with effect from 1st October 1953. The Madras Port's Scheme was notified on 8th March 1952. The Madras Dock Labour Board was constituted on 14th July 1953 and the scheme was implemented with effect from 16th August 1954.

11. The scheme for the Visakhapatnam Port was notified on 11th July 1959. The Visakhapatnam Dock Labour Board was constituted on 30th November 1959 and the scheme was duly implemented thereafter. The Scheme for the Cochin Port was notified on 6th June 1959 and the Cochin Dock Labour Board was constituted on 28th July 1959 and the Scheme was duly implemented thereafter.

12. It is pertinent to note that the Schemes in force for all the three Ports of Bombay, Calcutta and Madras, are almost identical in important details and their object has been stated as:—

“To secure greater regulatory of employment for Dock Workers and to secure that adequate number of Dock Workers are made available for the efficient performance of Dock work”.

It is also pertinent to note that the Schemes regulate the employment of Stevedore only and apply to the classes of workers specified in the Schedules attached to their respective schemes. For the purpose of this Enquiry it is not necessary to go into the details of the variations in the Dock Labour Schemes now in force in the Major Ports at Bombay, Calcutta, Madras, Visakhapatnam and Cochin. But it is necessary to state that after the implementation of the Schemes, complaints started coming in from different quarters. The Shipping Companies, the Stevedores Employers, and certain Chambers of Commerce and other commercial interests complained that the Dock Labour Boards were not functioning properly, discipline among workers had deteriorated, their efficiency and output had gone down considerably, resulting in delay in the turn-round of ships, cost of handling had increased, and employer-employee relations had suffered. The Port Authorities at Bombay and Calcutta also complained about the fall in output of Stevedores workers since the introduction of the Schemes with adverse effects on the traffic handled by these two ports. On the other hand, some of the Unions of the Dock Workers alleged that workers were not getting a proper deal from the Dock Labour Board. They demanded that wages of workers attendance money, and minimum guaranteed wages should be increased and the Dock Labour Boards should provide for training and welfare facilities for workers, and also pressed for other categories of Dock workers to be drawn under the Scheme. The Dock Workers Advisory Committee appointed under section 5 of the Dock Workers (Regulation of Employment) Act, 1948, in its first and only meeting held at Bombay on 3rd and 4th May, recommended to Government “to appoint a Committee to inquire into the working of the schemes and also the possibility and desirability of including all or some of the other categories of workers working in the Docks”. Thereupon, the Government of India Ministry of Labour vide Resolution No. FAC. 80(6)/55, dated 14th January 1955, appointed a Committee which had on it, representatives of the Shipping Industry, Stevedores' Associations, the Unions of Dock Workers and the representatives of the Bombay, Calcutta and Madras Port Trusts. The Committee was presided over by Shri S. S. Vasist, Advisor, Railway Ministry, New Delhi (hereinafter referred to as the Vasist Committee). The terms of reference to the Vasist Committee were:—

- (i) To enquire into the working of the Dock Workers (Regulation of Employment) Scheme in Bombay, Calcutta and Madras;
- (ii) To examine the difficulties encountered by the parties interested in the working of the schemes and to recommend what modification, if any, in the schemes, are necessary;
- (iii) To enquire into the necessity and feasibility of decasualising other categories of labour covered by the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948) at the three Ports, either by inclusion in the existing scheme or by framing of a special scheme.
- (iv) to prepare amendment to the existing Schemes or to frame new Schemes for further categories of Labour, if any, recommended for the decasualisation.

12. The Vasist Committee which submitted its report on 7th September 1955, in para 616 made the following observations regarding the employment of a large body of casual workers by the Port Authorities:—

"It is noted that at all the three Ports, casual labour is employed by the Port Authorities in varying magnitudes. The proportion of casual employment to the total employment is considerable. It has been represented that the employment of casual labour on this scale by the Port Authorities has an unhealthy effect on the decasualised stevedore pool labour. In order to create a proper healthy atmosphere amongst the shore and stevedore labour, who have to work side by side, and by whose joint and co-ordinated efforts the rate of handling and the turn-round of vessels depend the Committee feels that the question of decasualisation of shore casual labour also should be taken up. As the employment of shore labour is covered by the respective Port Act or Port Trust Act, the Committee has not examined the question in detail, but recommends that the Government may review the situation and suggest to the Port Authorities that a suitable decasualisation Scheme in respect of casual labour may be framed by them."

13. Thereafter various Federations of the Unions, of shore workers in the various Ports started an agitation for putting an end to the existing system of employment of shore labour by the Port authorities under which a large body of men who are regularly engaged for Port and Dock work, were regarded as casual and who, thereby, were not entitled to amenities and benefits which permanent employees of the Ports were entitled to. The Indian Port and Dock Workers' Federation in its written statement before this Court of Enquiry has stated that a "large body of men who are regularly engaged for Port and Dock work are regarded as casual merely to deny them all amenities and benefits and for keeping up of exploitation and its social evils. Such practice on the part of the port Authorities is all the more reprehensible as Port Authorities belong to the public-sector and are supposed to set an example to the employer in the Private-sector by observing the rules and regulations and following the enlightened policy in the matter of employer-employee relations."

14. Earlier, the agitation of the Transport and Dock Workers' Union, Bombay, for improving the lot of casual workers, by introduction of decasualisation on the line of the scheme applicable to Stevedore Workers, resulted in reference of the issue of decasualisation of shore workers of the Bombay Port to an Industrial Tribunal consisting of the late Shri S. H. Naik (Reference ITCG No. 1 of 1952). An appeal was preferred against this Award to the Appellate Tribunal and after the disposal of the appeal, the Union again took up the issue and a fresh reference was made (Reference ITCG No. 4 of 1954) to Shri M. R. Meher, as Industrial Tribunal from whose Award also there was an appeal to the Appellate Tribunal. The decision of the Labour Appellate Tribunal in this appeal is published in the Gazette of India (Extraordinary) dated the 13th June 1955. As a result of these Awards and Decisions, modifications were made in the proportions of workers in the 3 categories and a certain number of 'B' Category workers were promoted to 'A' category. The Labour Appellate Tribunal laid down a formula for determination of the proportions of workmen the three categories which form the decision of the Government incorporated in Resolution of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. 23(PLA)87/58, dated 20th July, 1958, with which I shall deal presently in some detail.

15. In Calcutta Port also, after departmentalisation of shore labour took place in the month of April 1948, there was considerable agitation from labour for increase in the number of primary gangs and for reduction in the number of casual workers, whose numbers the Unions stated was excessive and who were unjustifiably denied equal pay for equal work. They also alleged that the motive behind increasing the strength of casual workers was to effect economy by the Administration at the cost of labour. The result of this agitation of the workers was that on 11th September 1957, 1,469 Secondary gang workers were included in the Primary register. There was no labour left in the Secondary Register for 'B' Category was the remaining casual workers were employed by the Employment Exchange on casual basis.

CHAPTER IV—Chaudhri Report and Government of India's Resolution dated 20th July 1958 thereon

The labour in the Ports of Bombay, Calcutta and Madras continued to agitate for a thorough enquiry into the unsatisfactory existing conditions of shore labour and therefore the Government of India appointed Shri P. C. Chaudhuri,

I.C.S. as Officer on Special Duty for enquiring into the various demands of labour and the terms of reference to him as finalised in November 1956 were in the following three parts:—

Part (i) of the reference required him to enquire into the disparities and anomalies in the scales of pay and allowances of Class III and Class IV employees of the major ports and to make recommendations for the rationalisation of the pay structure of the various categories in the light of the recommendations made by the Central Pay Commission, 1947, for Central Government employees of comparable status.

2. Part (ii) required him to enquire into and make recommendations regarding the conditions of service of port and dock workers in matters relating to—

- (a) working hours including duration of night shifts;
- (b) weekly off and holidays including rates of payment for work on those days;
- (c) payment for work beyond normal duty hours;
- (d) leave rules;
- (e) retirement benefits;
- (f) leave travel concession.

He was further required to examine the feasibility of reducing to the minimum the number of casual shore workers employed in the major ports, and workers employed through contractors and to suggest modifications, where required, of departmental schemes of decasualisation of shore workers.

3. Under the fourth term he was required to enquire into disparities, if any, between wages of permanent workers employed by the Port Authorities on time rate on the one hand and temporary and casual workers on the other and between the shore labour on time rate and stevedore labour on time rate.

4. Shri Chaudhuri submitted an interim report on retirement benefits etc., on 5th July 1957 and a final report (incorporating the interim report as Part III) on 1st September 1957. The report of Shri Chaudhuri, (hereinafter referred to as the "Report of the O.S.D.") falls in three parts. Part I deals with the rationalisation of pay scales, Part II deals with decasualisation of shore workers and Part III deals with retirement benefits and certain other service conditions. We are not concerned with Part I of the Report. The main recommendations in Part II of the Report refer to (a) the principles on which the schemes of decasualisation of shore workers directly employed by port authorities should be based, keeping in view the objective of reducing the strength to the minimum;

- (b) improvement in the wages and conditions of service of shore workers; and
- (c) the steps to be taken to effect a gradual reduction of the strength of contract labour and to improve the wages and conditions of service of such labour.

The Government of India after careful consideration of the Report of the O.S.D. by the Ministry of Transport and Communications (Department of Transport) Resolution No. 23-PLA(87)/58 dated 20th July 1958 accepted several of the recommendations contained in the Report and modified some others. Paragraph 11 of the Government Resolution deals with the Decasualisation Scheme recommended by the O.S.D. and sub-para (a) deals with classification.

5. *Paragraph 11—Decasualisation Scheme—(a) Classification.*—The model decasualisation scheme recommended by the O.S.D. envisaged the registration of shore workers and their classification into two main categories (a) permanent and (b) temporary and the engagement, subject to certain restrictions, of a third category of unregistered casuals to meet peak requirements. Government felt that this classification followed the then existing pattern at the major ports except that the nomenclatures of the categories varied from port to port. Government, therefore, felt it desirable that there should be uniformity in nomenclature as follows:—

'A' category in Bombay and Madras and Primary Gang Workers in Calcutta should be designated as 'A' category.

'B' category in Bombay and Madras and the 'Ticca' or Secondary Gang workers in Calcutta should be designated as 'B' category Rank casuals in Bombay, 'C' category in Madras and "R.E.E. Gang Workers" in Calcutta, should be designated as 'C' category.

6. The Government Resolution also noted the 'C' category as defined above, corresponds to non-registered labour referred to by the O.S.D. The list of persons who are considered suitable for and are permitted to take up employment in the port if and when such employment is available should, therefore, be clearly distinguished from the registers maintained by the ports for A and B categories of workers.

7. For the fixation of the strength of the 'A' category workmen, the O.S.D. recommended the following formula :

"The best line of action for the fixation of the minimum will be to take the average daily attendance figures of permanent as well as casual workers in the last five years; this may be increased by 20 per cent to provide for leave reserve and absenteeism. 75 per cent of the gross total thus obtained may be reckoned as the necessary strength in the permanent register and the balance of 25 per cent should be placed in the temporary register."

8. The Government of India in para 11(b) of their said Resolution have stated that in another place the O.S.D. had stressed the need for taking into account the volume of trade, the various types of cargo to be handled, the availability of mechanical aids and the rate of output of labour and general working conditions as factors relevant to the fixation of the strength of these registers. These factors are subject to frequent changes some for the better or the worse and some like the availability of mechanical aids, only for the better. The Government of India, therefore, considers that an average taken over a period of as long as five years would not yield a realistic estimate of labour requirements. In fact an Industrial Tribunal which had occasion to consider this matter had adopted a period of three years for this purpose. Its decision was set aside by the Labour Appellate Tribunal which held that the permanent strength of labour should be related to the "minimum persisting demand" of labour throughout the year. The Government, therefore, adopted the following formula laid down by the Labour Appellate Tribunal as being more appropriate than the one recommended by the O.S.D. :—

- (1) Excluding Sundays and holidays, select figures of minimum employment for 12 days in each month of the year preceding and work out the average for the month.
- (2) Select six minimum monthly averages and take the average thereof.
- (3) Take 75 per cent of the figure arrived at as a result of the calculation in para (2) above and treat it as the basic figure.
- (4) The strength of the A category should be fixed at 112 per cent of the basic figure.

9. The Government, while recommending the adoption by the Port authorities of the L.A.T. formula, described above, for determining the strength of 'A' category workers, observed as follows :

"This formula not only has the merit of having been accepted by the Labour Appellate Tribunal but also gives, in the view of the Government of India, a truer estimate of the number of workers permanently required for shore work in a port. It is, therefore, to be preferred to the formula recommended by the O.S.D. which on account of the uncertainties referred to before may result either in an unduly large number of workers being permanently retained with consequent underemployment of the workers or in an unduly small number of permanent workers—a result which should also be avoided....."

10. With regard to the 'B' category, Government considered that the strength of the B category should be fixed at 33 1/3% of the 'basic figure' and that each Port authority should review and revise the strength of the A and B categories once a year on the above basis for the 12 months period ending 30th June. Where only two shifts are worked the Government Resolution directed that the calculation should be made on the basis of the employment in the corresponding two shifts. To protect the interest of labour, the Government of India further considered that if, as a result of the annual review, the existing strength of A and/or B categories is found to be in excess of the numbers thrown up by the formula, no reduction should be effected in the strength of either category provided that any shortfall in the B category should be adjusted in the first instance against excess, if any, in the A category. The intention being that the A category should not be less than 112 1/2% of the basic figure while the total of A and B should not be less than 145 5/6% of the basic figure. If the total of A and B is in excess of 145 5/6% of the said basic figure such excess will have to be retained, except to the extent of normal wastage.

11. With regard to the category 'C' workmen, the Government Resolution under paragraph 11(b)(ii) stated that the model scheme recommended by the O.S.D. sought to restrict its strength to 10% of the "temporary register" i.e. 2½% of the total strength recommended by him and the period of employment to three months. The Government considered that such a small number of casual workers cannot meet the requirements of peak periods and sudden spurts of traffic which cannot be forecast unless the total strength of the A and B categories is kept at an unduly high figure which would result in excess under employment in normal and abnormal times. Past figures of traffic handled at the ports show wide fluctuations from month to month. The difference between the minimum and the maximum number employed in a month is, at times, as high as 100% of the minimum. Government, therefore, considered, that the restrictions suggested by the O.S.D. on the number of casual workers and on the period of their employment were not practicable. It considered that the factor which had contributed to the high percentage of "C" Category workers in the Port of Bombay is the practice of manning the third shift and Sunday and holiday working by "C" category workers alone. Government stated that it was reported that in the past, workers in the 'A' and 'B' categories have shown disinclination to accept booking for night shifts or Sunday or holiday work. Government considered that A and B category workers should accept working for any shift on the principle of rotation as recommended by the O.S.D. Provided that is done, Government felt that it would be possible to achieve the objective of reducing the strength of casual labour to a reasonably low percentage of the strength of the A and B category workers put together.

12. In paragraph 11(b)(iii) of its Resolution, Government noticed that the report of the O.S.D. did not envisage the registration of C category workers nor did it suggest a method for so allocating the available quantum of work to them that each worker gets a fair share. The existing practice in some ports is to maintain a list of such workers and to allocate the work to them in such a manner as to ensure that as far as possible each worker got the same number of bookings in a week. It considered that the interests of this class of workers are better safeguarded under the present practice and it recommended that it should be continued.

13. In Para 11(b)(iv) of its Resolution the Government dealing with the suggestion that a worker should be liable to undertake work included in the expression "shore work", which was not acceptable to the Unions as a rigid rule for universal application, the Government stated that it was being followed in practice to a considerable extent and no change was called for in the prevailing practice in that regard.

14. 11(c)—The O.S.D. in his model decasualisation scheme provided for the appointment of a registration committee consisting of a representative each of shore labour and of the shipowners with a head of the Port Authority as Chairman. The said Committee was to function as a continuous body responsible for the maintenance, adjustment and periodical revision of the labour register, the fixation of the total strength and the measures for the employment of labour rendered surplus. Government noticed that the main objectives of the establishment of such a Committee was to secure the co-operative effort of the representative of the employers and workers in administrating the recasualisation scheme and in particular to deal with the problems of surplus labour. For these and other reasons stated in paragraph 11(c) of the Resolution, the Government of India considered that the appointment of a Registration Committee was not necessary.

15. The Government of India by paragraph 11(d) of its Resolution accepted the recommendation of the O.S.D. that the wage rate of shore worker whether he belonged to 'A', 'B' or 'C' category should be the same.

16. Paragraph 11(e)—Attendance money.—The O.S.D. recommended that attendance money for B category workers should be the same as for A category workers and preferably fixed at 12 annas per day. At that time the rates of attendance money for A category workers were not the same at the ports of Bombay, Madras and Calcutta and were higher than the rates recommended by the O.S.D. In Bombay the A category worker was being paid annas 12 as attendance money and Rs. 1/12/- on account of dearness allowance and "interim dearness money". In Madras an A category worker was being paid Re. 1/- as attendance relief. In Calcutta the rate was 12 annas plus Rs. 1/9/4/- which represented the pro rata element of dearness allowance and such portion of the compensatory allowance as had not been taken into account in the calculation of the daily tonnage rate. The demand of the labour unions was that the attendance money for A category workers should be fixed at all the ports on the same basis

as in Calcutta and Bombay. The Government Resolution points out that if that had been done in some ports the sum payable to the shore workers for putting in attendance without doing any work would have exceeded the wage locally payable to other classes of workers for a full day's work. The Government of India, therefore, was unable to accept the demand of the unions and considered that it would be fair, in the then existing conditions, to fix the attendance money at Rs. 1-8-0 per day, all inclusive, except that in ports where the existing rate was already higher such higher rate was to continue.

17. With regard to the 'B' category workers, the then position as regards attendance money was as under:—

Madras	— Re. 1/-
Bombay	— As. 6.
Calcutta	— Re. 1/- only to the sirdar of the gang but not to the men under him.

The Government of India considered that in the matter of attendance money uniformity was desirable and recommended that for the B category workers at Bombay and Madras, where piece-rate schemes were in force, the attendance money should be Re. 1/- per day. As regards the workers of 'B' category in Calcutta, Government recommended that the attendance money should be annas 12 which should be raised to Re. 1/- from the date of the introduction of the piece-rate scheme. The attendance money would be admissible only if the workers reported for duty at the call stand and were not allotted any work.

18. *Para 11(f) Medical assistance and housing facilities.*—The Government of India in their said Resolution stated that all Port Authorities should adopt a positive policy for the provision, according to a phased programme, of adequate medical and housing facilities to their employees, as far as resources permitted. The workers in the B category should be deemed to be employees of the port for this purpose although it was obvious that in the matter of housing of the requirements of the 'A' category workers would have to be met before the B category was provided for.

19. *Para 11(g).*—The B and C category workers, under the Government Resolution, were not to be entitled to any provident fund, leave or holidays. The Resolution has noted that the O.S.D. also had not made any recommendation for the grant of these benefits to them. They were, however, to be entitled to the benefits of the Workmen's Compensation Act and weekly day of rest under the Minimum Wages Act.

20. *Appointment of 'C' category workmen to 'B' category.*—Para 13 of the Government Resolution deals with the appointment of 'C' category to 'B' category. The labour unions had pointed out that age restrictions were being applied in certain Ports in appointing C category workers to B category. Government considered that so long as the worker concerned had been continuously in the 'C' category for three years on the date of the proposed appointment he should not be debarred from such appointment, if otherwise eligible, on the ground that he was above a certain age unless his age was already above the age of retirement.

21. Paragraphs 14 to 46 of the Government Resolution deal with Part III of the Report of the O.S.D. which are in four chapters and deal with Retirement Benefits (Chapter VI), Working Hours, Night Shift and Weekly Off (Chapter VII), Overtime Work and Rate of Payment (Chapter VIII) and Leave Wages and other Privileges (Chapter IX).

22. *Retirement Benefits (Chapter VI).*—The Government Resolution in paragraph 16 gives a table which compares the retirement benefits then admissible to the employees of major ports and those recommended by the O.S.D.

Items	Existing benefits	Benefits recommended by the O.S.D.
1. Rate of employers' contribution to Provident Fund.	8 1/3%	8 1/3%
2. Amount on which contribution is payable . . . Pay plus half D.A. Pay plus full D.A.		
3. Special Contribution (gratuity)		
(i) Rate . . . . .	Half of a month's (Pay (Pay plus 1/2 D.A.) plus full D.A.)	A full month's (Pay plus full D.A.)
(ii) Maximum limit . . . . .	15 months (Pay plus half D.A.)	25 months (Pay plus full D.A.)

23. In paragraph 17 of the Government Resolution it is pointed out that the main argument advanced by the O.S.D. in recommending these substantial increases is that the amounts received by way of provident fund contribution under the present economic conditions and in accordance with the present anticipated price levels will not be sufficient to ensure subsistence for the worker during the period he is expected to live after retirement. The Government of India, however, stated that they were not impressed by the O.S.D.'s views as those recommendations virtually amounted to the provision of a scheme of old age insurance and security. It observed that however desirable in principle such a scheme may be it cannot be accepted only for one sector of employment. Government was of the opinion that it had to be examined whether in the present state of its economic development the country could afford to give such benefits at least to the majority of its workers in the establishment of the Central and State Governments and the private sector. The Government of India did not accept the O.S.D.'s views that the then prevailing wage rates were below the subsistence level or that there was no likelihood of the dearness allowance being reduced in the future; that these were matters of general application and were under examination by the Second Pay Commission; that the O.S.D. himself had recognised this because he had observed that with the appointment of the Second Pay Commission some of the principles which had governed his proposals with regard to pay scales and conditions of service, particularly of the three ports under Central administration may come up for review by the Commission of Enquiry and his recommendations may require modifications to that extent. The Government of India pointed out that the Port employees are among the most fortunately placed in the matter of retirement benefits. The Government of India, therefore, decided to defer consideration of the recommendations of the O.S.D. relating to the increases in the contribution etc., after the Report of the Second Pay Commission had been considered by them. Government, however, assured the Port employees that any betterment of retirements which they may decide to grant to its other employees on the recommendation of the Second Pay Commission would be made applicable to the Port employees also.

24. Para 18 of the Government Resolution deals with the representation of the labour unions that the port workers are heavy manual workers and should, therefore, be distinguished from workers in other industries and given special consideration in the matter of retirement benefits. Government has pointed out that with the provision of mechanical aids, the handling of cargo at the major ports is now less arduous than in the past and that there was no evidence to show that workers were having to retire prematurely on account of physical strain as alleged by the unions. It has pointed out that in certain other industries the work is much more arduous and dangerous than in the docks while the wages were not higher and any special consideration for dock workers can only be justified on the ground of their better productivity under piece-rate schemes which have been introduced in Bombay and Madras and which were to be introduced in the other ports shortly. That the piece-rate schemes provide for special incentives for higher output and that the daily wage for processing piece-rate at 100 per cent of the datum line consists of (i) basic pay (ii) dearness allowance (iii) house rent allowance (iv) compensatory allowance and (v) an ad hoc allowance termed as "processing allowance". Government, however, was of the opinion that the then existing Provident Fund and Gratuity were admissible only on basic pay and half of the D.A. The house rent allowance and the compensatory allowance did not, as in the case of other Government employees to whom contributory provident fund applied, qualify for calculation of provident fund and gratuity. It was Government's opinion that this should continue to be so. However, the processing allowance in Government's opinion was in a different category and it considered that as a special case it should be allowed to be counted towards provident fund and gratuity for workers who are entitled to such benefits and to whom the special incentive piece-rate schemes apply or may apply in future. It further recommended that for the purpose of calculation, processing allowance will be taken into account in full for all days on which the worker is working on piece-rates for the whole day or part of a day or is in receipt of attendance money provided that in the latter case he was booked for piece-rate work on the next preceding day on which he worked. Processing allowance would not be taken into account on days on which a worker is booked for time rate work or is on leave or is absent or is in receipt of attendance money in continuation of time rate work. Government further recommended that this concession should take effect from 1st August 1958 in the ports of Bombay and Madras and from the date on which similar piece-rate schemes may be introduced in the other ports; that the special concession contained in this paragraph would be reviewed in the light of the recommendations of the Second Pay Commission and the decision Government would take thereon.

25. With regard to the O.S.D.'s recommendation that the provident fund rules should be amended to provide for the payment to the employee of the employer's contributions both ordinary and special in the event of his being discharged from service on any ground other than misconduct involving loss of the funds of the port authority, the Government of India was of the opinion that misconduct on the part of a port employee may result either in the loss of Port funds or in losses to importers or exporters in respect of their goods passing through the Port. For this reason the forfeiture of employers' contribution cannot be limited to cases of misconduct involving Port funds only and further the requirement that retirement benefits follow good efficient and faithful service rendered over a specified period of years should not be dispensed with. Government observed that the Report of the O.S.D. did not indicate that the operation of the existing rules in these respects had been harsh. The Government of India, therefore, did not accept the recommendation of the O.S.D. limiting forfeiture of employer's contribution to the type of cases mentioned by him. The Government of India pointed out that there was also another rule under which an employee who resigned before the completion of five years of service was not entitled to receive the employer's contribution but except in Calcutta the Port administrations were empowered to relax this provision in individual cases on the merits of each case. The Government of India considered that the rules should be made uniform in this respect and that the Calcutta rules should be suitably amended.

26. *Age of Retirement.*—With regard to the age of retirement the O.S.D.'s proposal to fix the limit at 55 years would in the opinion of the Government of India mean deliberalisation of the rules in certain ports. It was, therefore, better to let the rules remain as they were and not make any changes in them. Government also did not accept the O.S.D.'s recommendation that there should be a separate Board of Trustees with adequate labour representation thereon for the administration of the Provident Fund at each port. It, however, recommended that each Port Trust Board should have a Committee of Trustees consisting of three members of whom at least one is a "labour trustee" to advise on all cases in which it is proposed to withhold the employer's contribution to the provident fund, ordinary or special, for any reason whatsoever.

27. *Weekly off.*—The O.S.D.'s recommendation relating to wages to be paid for the weekly off day, when work is done and for the substituted rest day, involved the grant of benefits in excess of those admissible under the Minimum Wages Rules in cases of Ports other than Bombay. The Government of India, however, considered the recommendation reasonable and recommended to the other Port Authorities the desirability of following the Bombay practice. The Government, however, did not accept the recommendation of the O.S.D. that Class IV conservancy staff who had to work on Saturday afternoons should be paid overtime at double the ordinary rate for that period.

28. *Leave, holidays, and other privileges.*—The O.S.D. came to the conclusion that employees in Major Ports enjoyed leave benefits on a scale equal to the leave benefits to Central Government employees. He did not, therefore, recommend any liberalisation of this benefit. He, however, recommended that disparity between Class III and Class IV staff should be removed, which recommendation was accepted by Government in principle, and it recommended that the revised rules would be given effect to, from the same date as in Bombay. The Government, however, hoped that the Port Administrations would review the requirements of leave reserves in the light of the new leave rules.

29. *Casual Leave.*—As regards casual leave, the O.S.D. recommended the grant to all categories of staff other than casual labour, of casual leave upto 15 days in a year. With regard to staff not connected with loading and unloading operations in the Port, the O.S.D. recommended 16 holidays in a year. The Government have stated that the position in other Ports then was that the "scheduled staff", and what would correspond to such staff in Government Ports, was entitled to more holidays than recommended by the O.S.D. and also for casual leave of 15 days or more in Bombay; and that the acceptance of the O.S.D.'s recommendation would thus mean deliberalisation and Government, therefore, did not propose to make any change in the existing rules.

30. The O.S.D. suggested that workers connected with the loading and unloading operations in the Major Ports should work without interruption on all days of the year and that they should not be given the privilege of a few closed holidays. The Government considered this suggestion as not quite practicable. The Labour Unions represented that workers cannot reconcile themselves to a system which did not provide for closed holidays. The Dock Workers (Regulation of Employment) Enquiry Committee had also come to the same conclusion and had recommended the grant of 8 paid holidays. The Government of India agreed with this

point of view and considered that the privilege of a few paid holidays should not be denied to the workers and the grant of casual leave should be adjusted accordingly. The Government considered that the workers should be given in a year a total of 21 days of paid holidays and casual leave taken together, and that the exact distribution of these number of days between paid holidays and casual leave was a matter which could be most suitably be decided by agreement locally at each Port. The Government also made it clear that the above decision that the workers should be given a total of 21 days of paid holidays and casual leave taken together, was not intended to reduce the benefits which may be admissible at present and, therefore, wherever the total of paid holidays and casual leave was more than 21 days the present number would continue, and where the total was less it would be brought up to 21 days.

31. *Payment for work on holidays.*—The O.S.D. had recommended that payment for work on holidays should be in accordance with the principle enunciated in the Award of the Labour Appellate Tribunal in the Appeal against the decision in Ref. No. ITCG 4 of 1954. The Government felt, that as in the case of payment for work on the weekly off day, this recommendation, if implemented, will in certain cases, result in the grant of benefits more generous than those admissible under the Minimum Wages Act. The Government considered that the higher benefits granted in the Appellate Tribunals' Award were reasonable and recommended to the Port Authorities the adoption of this recommendation.

32. *P.T.O. Concessions.*—The O.S.D. had recommended the grant to Port employees of P.T.O. as applicable to Central Government servants. The Major Port Authorities had already accepted and implemented this recommendation. The Union pointed out that higher concessions were admissible in Calcutta, and asked for those concessions to be extended to all Ports. Whilst the Government of India did not wish to liberalise the concessions in Calcutta, they did not consider that Port employees should be given higher benefits than those admissible to the employees of the Central Government. The Unions pointed out that large percentages of the employees of the Bombay Port belonged to areas which are accessible only by road or sea and that, therefore, it would be reasonable to include in the concessions expenses of travel by road or sea. The Government observed that the matter was under consideration of the Government of India as a general question for Central Government Employees and it was agreed that the decision, that may be arrived at, would be applied to Port employees from such date as the said decision takes effect.

33. In Appendix 1 to the its Resolution the Government of India have listed the recommendations of the O.S.D. which are accepted in principle but which being administrative in character, are left to be pursued at the Port line.

#### CHAPTER V—Scope of the Enquiry

1. I have earlier in Chapter I of this Report reproduced the terms of the two references to me.

2. At the hearing, it was suggested that my jurisdiction in these two references was only confined to dealing with the terms and conditions of service of B and C category workmen in the sense of the fringe benefits to which they would be entitled, and did not extend to me considering what changes in the Government Formula of 20th July, 1958 are necessary in respect of the number of workmen to be employed in the "A", "B" and "C" categories. It was also suggested that I cannot entertain a claim on behalf of the B and C category workmen for a guaranteed number of days employment per month being fixed for them. I do not think that such a narrow interpretation would be justified. Under the terms of both references I am not to confine the enquiry only to what improvements are necessary in the terms and conditions of service of the "B" and "C" category workmen having regard only to the Government of India's Resolution of 20th July, 1958. In my view the Government Resolution is only one of the matters to be borne in mind and this is made clear by the words "inter alia" used in the Schedules. In my opinion the expression the "terms and conditions of B and C category workmen" would include not only the number of workmen to be employed in those two categories but also the question whether it would be possible to guarantee for both or either of these two categories a certain number of days employment in the month as is done under the Dock Labour Board Schemes for the Reserve Pool Workers. In my opinion, the true and intended purpose of these references is to consider and recommend such improvements in the existing terms and conditions of employment of 'B' and 'C' category workmen in the major ports in respect of the number to be

employed in each category, their remuneration and the other terms and conditions of service which would include the fringe benefits of weekly off, all kinds of leave, holidays, provident fund, gratuity, P.T.O. concessions, medical and housing facilities, etc.

**CHAPTER VI—Existing Practices of Employment of Shore Labour and method of work in the Major Ports**

1. The Model Decasualisation Scheme recommended by the O.S.D. envisaged the registration of shore workers and their classification into two main categories of A (permanent) and B (temporary) and the engagement, subject to certain restrictions, of a third category of unregistered casuals to meet peak requirements.

2. With regard to the strength of A, B and C categories, the O.S.D. recommended a formula based on past average daily attendance figures. Taking as the basis the average daily employment figures of workers of all categories for five years preceding the given year and adding 20% thereto to provide for leave and absenteeism, he recommended that the strength of the permanent (A) register should be fixed at 75% of the gross total so arrived at the remaining 25% constituting the temporary (B) register.

3. As regards the C category of workers the O.S.D. restricted its strength to 10% of the "temporary register" i.e. 2½% of the total strength recommended by him and the period of employment to three months.

Government felt that the O.S.D.'s formula did not give a true picture of the number of workers permanently required for shore work in a Port. It observed that in another place the O.S.D. had stressed the need for taking into account the volume of trade, the various types of cargo to be handled, the availability of mechanical aids, the rate of output of labour and general working conditions as factors relevant to the fixation of the strength of these registers. In Government's opinion, these factors were subject to frequent changes some for the better or the worse and some, like the availability of mechanical aids, only for the better. Government, therefore, felt that an average taken over a period as long as five years would not yield a realistic estimate of labour requirements. It felt that the formula of the L.A.T. which related the permanent strength of labour to the minimum persisting demand of labour throughout the year was more accurate. Government, therefore, adopted the formula of the Labour Appellate Tribunal and recommended its adoption by the Port authorities for determining the strength of A category workmen. The formula of the Labour Appellate Tribunal adopted by Government bears repetition and is as follows:—

- (1) Excluding Sundays and holidays select figures of minimum employment for 12 days in each month of the year preceding and work out the average for the month.
- (2) Select six minimum monthly averages and take the average thereof.
- (3) Take 75% of the figure arrived at as a result of the calculation in (2) above and treat it as "the basic figure".
- (4) The strength of the A category should be fixed at 112% of the basic figures.

5. Government further considered that the strength of the B category should be fixed at 33½% of "the basic figure", and recommended that each Port Authority should review and refix the strength of the A and B categories once a year on the above basis for the twelve months period ending 30th June 1958. In order to protect the interests of Labour, the Government of India further recommended that if, on the result of the annual review, the existing strength of A and/or B category workers is found to be in excess of the numbers thrown up by the formula, no reduction should be effected in the strength of either category provided that any shortfall in the B category should be adjusted in the first instance against excess, if any, in the A category, the intention being that A category should not be less than 112% of the basic figure while the total of A and B should not be less than 145 5/6% of the basic figure. If the total of A and B is in excess of 145 5/6% of the said basic figure such excess will have to be retained except to the extent of normal wastage.

6. Now, at the hearing it was admitted that none of the five major ports have adhered to the Government Formula in the recruitment and maintenance of strength of the A and B categories. This is borne out by the following table

which gives the latest employment figures made available to me of the A, B and C categories of workers, in case of the five Major Ports under reference.

Port		Category A	Category B	Category C
Bombay . . . . .	.	3700	1500	1170
Calcutta . . . . .	.	6031	2277	70
Madras . . . . .	.	1374	177	565
Cochin . . . . .	.	395	264	664
Visakhapatnam—				
Cargo Handling labour	.	563	..	193
Ship loading or ore handling labour	.	827	180	306*
<b>TOTAL.</b>		<b>12,845</b>	<b>4,398</b>	<b>2,968</b>
Total of A, B. & C	.	.	.	20,211
Total of A & B	.	.	.	17,243

\*recruited on 16-6-1967.

7. An analysis of this table and the written and oral submissions thereon made by the parties, shows the following results :—

- (a) There is no uniformity of principle followed in the enlistment to A & B categories and in promotion to category "A".
- (b) That the total number of "A" and "B" categories, employed in each of the Five Major Ports, is in excess of the number thrown up by the application of the Government Formula.
- (c) Whilst the Bombay and Calcutta Ports employ more "B" category workmen than "C" category workmen, in the Madras, Cochin and Visakhapatnam Ports the number of "C" category workmen is higher than that of the "B" category.
- (d) That in Cochin Port the bulk of the shore workers is not in A category as envisaged by the Government Formula, but that the "C" category has a larger number than A and B categories put together.
- (e) That in the shore-handling section of Visakhapatnam Port for a long time there were no workmen in the A category and at present there are none in the B category, whilst it has 193 C category workmen in that section. That on the ship loading labour (ore handling labour) side there are only 180 B category workmen and there were till recently no "C" category workmen in this section, but 306 were recruited on 16th June, 1967.
- (f) That from time to time revisions have been made in the number of workmen maintained in the registers without regard to the Government Resolution.
- (g) Another admitted fact is that the number of workmen employed bears no relation to the sanctioned strength borne on the schedule of employment of the various Ports. For instance the Calcutta Port has a schedule of a larger number of A and B categories than are actually maintained in their respective registers. The sanctioned strength of A category in Calcutta Port is 7928 and for B category 3200, while the actual number employed from time to time had been lower and at present stands at 6031 in A category and 2277 in the B category.

8. It is, therefore, clear that the Government Formula has proved incapable of uniform application to the Major Ports as far as the number of workmen to be employed in the A and B categories is concerned.

9. Whilst it is generally considered that "A" category workmen are non-scheduled permanent employees entitled to all the benefits of service conditions applicable to permanent employees of the Port, their is disparity with regard to the position of B category workmen. Calcutta and Bombay Port Trusts have described their B category workmen as "casuals". Madras Port Trust has, however, described them in its first written statement as being "temporary workmen" and in its later written statement as being "semi-permanent". The Visakhapatnam Port Trust in one of its written statements has also described its B category workmen as "semi-permanent".

10. Another point of difference is that whilst Bombay and Madras have more or less similar piece-rate schemes, Calcutta Port has a Revised Incentive Piece-rate Scheme, which is different.

11. Another factor which calls for notice is the difference in the method of working followed in the different Ports arising out of their natural situation and location. For instance, Calcutta Port is a riverine port where conditions of work are admittedly more difficult, and the Port being subject to bore tides, requires a larger labour force than Bombay Port, which is a sea port. Although Madras is a sea port the conditions of work there are different from those in Bombay. Cochin, though a sea port, has its own peculiarities of working and its peak season is during the monsoon months when certain smaller ports in Kerala State have no traffic.

11. (a) Having noticed the differences in the employment and methods of work, I shall now deal specifically with the employment of B and C category workmen and their conditions of service in each of the five major Ports. I shall first deal with the Port of Bombay.

12. *Bombay Port*.—In the Bombay Port the Scheme for the direct employment of dock labourers which was introduced by T.R. No. 611 of 1948 provided for a strength of 2300 permanent mazdoors for the 'A' category, and they were to constitute the bulk of shore labour. According to the Bombay Port Trust the 'B' category casual mazdoors were needed to meet sudden rushes of traffic whose number therefore depended on daily requirements and was fixed at 500. In addition, a number of pure casual and unregistered mazdoors, for peak requirements or to meet shortages due to excessive absenteeism, were also recruited. Since the Government Resolution these casual mazdoors have been designated as 'C' category.

13. By T.R. No. 483 of 1956 the strength of the A category was increased to 2701 in order to accommodate an equivalent number in the Baroot and Cart Unloaders' Cadres, and later by T.R. No. 879 of 1957 their number was raised to 3401. On the latter occasion, the increase was made to accord with the current figures as per the formula prescribed by the Labour Appellate Tribunal. During this period, however, the strength of the B category was throughout maintained at 500.

14. In 1962, the strength of the departmental shore-labour in the Bombay Port was as follows :—

A Category	..	3242
B Category	..	500
C Category	..	2738
<b>Total</b>	..	<b>6480</b>

15. The Government Resolution of 20th July, 1958 provided for annual review. On that basis, the figures thrown up on the application of the Government Formula for the A category for the years 1958-59 to 1961-62 were each year less than the actual figures of the category in the musters. The sum of the A and B categories employed had also been in excess of the total for the two categories under the Government Formula. The figures thrown up by the Government Resolution for the year 1961-62 were 2774 for A category and 822 for B category, the basic figures for the year being 2466. But the actual total strength in employment of the two categories was higher, being 3242 and 500 for the A and B categories respectively. The Unions, however, had been pressing for further decasualisation, but the necessity of maintaining a C category list of sufficient size, to man the third shift and meet the Sunday requirements of vessels in docks stood in the way of any serious consideration of the reduction of the strength of the C category list. This factor has been taken note of in paragraph 11(b)(ii) of the Government Resolution of July, 1958 referred to earlier. It appears that due to negotiations conducted with the Unions by the Chairman of the Port Trust, the mazdoors of the A and B categories agreed to accept bookings for any shift on any day on a principle of rotation between the three shifts and through Sunday. Having regard to this agreement it was possible to reduce the strength of the C category list from 2738 to 1280 by the following re-arrangement.

- A category to be increased from 3242 to 3700.
- B category to be increased from 500 to 1500.
- C category to be reduced from 2738 to 1280.

The present strength of the A and B categories is the same as agreed to in 1962 but the strength of the C category at present is 1170 inclusive of 28 mazdoors who have declined promotion to B category.

16. The Bombay Port Trust in Appendix III to its written statement has worked out that for the period July, 1964 to June 1965 the minimum average of any six months was 4084. 75% of this amounted to 3064 which was the basic figure. Adding thereto 12½% i.e. 383 the strength of the A category would be 3447. In other words the figure thrown up by the application of the Government Formula was 3447 for the A category as against the actual strength of 3700 in that category. Similarly, taking 33½% of the basic figure ( $3064 \times 1/3$ ) the strength of the B category according to the Government Formula would be 1021, whilst its actual strength was 1500. This shows that both for the A and B categories the actual strength employed in 1964-65 was higher than the strength determined by the formula.

17. The statement, Appendix IV, filed by the Bombay Port Trust shows that during the period April 1965 to March 1966, excluding weekly offs and holidays, the percentage of absenteeism came to 18·3%.

18. The Bombay Port Trust has filed the following statement which shows the average daily employment of A, B and C category workmen during the period of one year from April 1966 to March 1967:—

Month	Average daily employment		
	'A' Category	'B' Category	'C' Category
April 1966 . . . . . . . . .	2,233	1,045	336
May 1966 . . . . . . . . .	2,024	971	777
June 1966 . . . . . . . . .	2,404	1,084	867
July 1966 . . . . . . . . .	2,541	1,112	889
August 1966 . . . . . . . . .	2,518	1,099	879
September 1966 . . . . . . . . .	2,507	1,135	908
October 1966 . . . . . . . . .	2,512	1,000	800
November 1966 . . . . . . . . .	2,479	935	748
December 1966 . . . . . . . . .	2,523	978	782
January 1967 . . . . . . . . .	2,381	920	735
February 1967 . . . . . . . . .	2,440	948	758
March 1967 . . . . . . . . .	2,424	1,006	805

19. It has also filed a statement showing the average number of turns of employment secured during the month separately on piece-rate and time-rate work by A, B and C mazdoors during the same period of one year—April 1966 to March 1967, which is as follows:—

*Average number of turns of employment per mazdoor.*

Month	A Category		B Category		C Category <sup>1</sup>	
	Piece Rated	Time Rated	Piece Rated	Time Rated	Piece Rated	Time Rated
April 1966 . . .	12	9	5	14	.	18
May 1966 . . .	13	5	8	9	1	15
June 1966 . . .	12	11	4	17	.	20
July 1966 . . .	16	9	8	13	1	10
August 1966 . . .	17	8	6	15	.	20
September 1966 . . .	14	11	6	16	1	20
October 1966 . . .	13	10	4	17	.	20
November 1966 . . .	11	11	3	18	.	20
December 1966 . . .	13	12	6	16	.	21
January, 1967 . . .	12	12	5	15	.	19
February 1967 . . .	10	11	4	14	.	17
March 1967 . . .	14	5	5	15	.	19
	157	114	64	179	3	21

20. An analysis of this statement shows that during the year the A category workmen on an average got employment for 22.5 days per month, the B category for 20 days and C category for 19.25 days. Adding thereto 4 days of the weekly offs and one paid holiday, the average employment comes to 27 days for the A category, 25 for the B category and 24.25 for the C category. However, taking into consideration average absenteeism per month, it was conceded that all the three categories—A, B and C have been getting full employment. In fact, at the hearing the Bombay Port Trust proceeded on the assumption (a) that all the three categories viz A, B and C enjoyed full employment (b) that "B" category have been in continuous employment for the last 12 to 13 years and (c) that the existing workmen in the 'C' category have been in continuous employment since the last several years as shown in the list below:

Number of "C" category workmen	Year and Month of enlistment in 'C' category
433*	1955 (May and June)
228 . . . . .	1963 (March and April)
226 . . . . .	1964 (April and May)
283 . . . . .	1965 (July and August)

\*(Includes 28 Mazdoors who have declined promotion to 'B' category.)

It was admitted on a statement made by Shri K. K. A. Nair, Secretary of the Bombay Dock Workers' Association at the hearing on 5th August, 1966 that the B category workmen who offer themselves for employment are given work for 26 days in the month and enjoy four weekly offs. It is admitted that A category workmen being permanent are given preference for piece-rated work. After full employment is provided for the A Category workmen the left over piece-rated work is distributed first to B and then to C category workmen. It does appear as stated by Shri K. K. A. Nair at the hearing on 5th August 1966 and as recorded in the minutes of the proceedings of the Bombay Port Trust Resolution No. 317 dated 10th April 1962 that by 1962 the then workmen of the C category had been on the list for a period of six years and over and, therefore, it was considered desirable that a legitimate avenue of promotion should be kept open for them. It was, therefore, proposed to fill up vacancies in the A and B categories as they may arise till such time as any of the present mazdoors are left in the C category.

20A. Shri Nair has drawn attention to the statement made by the Chairman of the Bombay Port Trust at a meeting of the Trustees held on 10th April 1962 that he was hopeful that full employment would be available for the A and B category mazdoors. In fact, in view of the full employment that was being given to the B and C category workmen in the Bombay Port, Shri Nair did not want minimum guaranteed employment for the B category workmen. He also stated that he did not want a change in the existing practice by which preference was being given to the A category workmen for booking for piece-rated work. Shri Captain stated that, in fact, the C category did not get full employment for all the working days in the month, because of the high percentage of absenteeism which according to Appendix IV annexed to the B.P.T.'s written statement amongst the B category was 18.3 per cent., excluding holidays and weekly offs.

21. The question, therefore, arises whether in view of this continuous full employment granted to the B category workmen in the Bombay Port Trust they can justifiably be considered as casual workmen as described in the Government Resolution. Shri Captain has relied upon the definition of 'casual workmen' in rule 2(f) of the Industrial Employment Standing Orders Rules, which deals with classification of workmen. 'Casual' workmen is there described as a workman, "whose employment is of a casual nature". He has further relied upon the definition of the term "casual labourer", as appearing in the Oxford Dictionary which is, "one who works when the chance comes". He has also relied upon the following observation at Page 168 of the Chaudhari Report:—

"The wording (of the terms of reference) itself makes it quite clear that the question is one of reducing to a minimum, and, so far as I am able to interpret it, this presupposes the possibility of some workers being left on a casual basis".

and he has argued that decasualisation was never meant to mean that there would be no casual labour. He has argued that in the U.K. decasualisation had been tried but had failed and had to be given up and he has stated that decasualisation of shore labour can be accomplished only step by step.

22. But the observation of the O.S.D. on which Shri Captain relies was made when dealing with the wording of item (viii) of the reference to him which was as follows:—

(viii) "The question of reducing to a minimum the number of casual workers employed by the Port Authorities and the drawing up of departmental schemes for the decasualisation of port workers"

was not meant to mean that some number of 'B' category workmen were necessarily to be retained as casuals. In fact, Shri Chaudhari has described the 'B' category not as casuals but as temporary workmen.

23. The representatives of the various unions who have appeared for the B category workmen have protested against the B category being treated as casual workmen considering the regular employment which each of these ports over the years has been granting to them. In my opinion there is substance in this contention. It is quite clear to me from the number of days on which each of these five major ports are required to employ their B category workmen that it can no longer be said that B category workmen are merely 'casual' employees who are employed when there is chance of work for them. It appears to me that each of these Ports requires to maintain a large number of employees in the B category because the working of the Ports now requires their services as regular employees. As I have stated earlier, the B category workmen have been in continuous service at least in the Bombay Port Trust since 1948, and, in any case, for the last 12 to 13 years—and I think it would be manifestly unfair to designate them as casual workmen and deny them all the benefits of service merely on the ground that the Government Resolution described them as 'casuals'. In fact, as stated earlier, the Madras and Visakhapatnam Port Trusts have called their B category workmen as "temporary" and "semi-permanent". I am, therefore, more than satisfied that the B category workmen in the various ports can no longer be termed or treated as casual workmen.

24. Most of the Unions have claimed that the 'B' category shore labour should be equated with the reserve pool workers under the Dock Labour Board schemes for stevedore labour, as both handle the same cargo, one on board the ship and in its holds and the other on the shore. They have stated that under the various Dock Labour Board Schemes, the reserve pool workmen are guaranteed a certain number of days wages in the month which is at present 21 days in the Bombay Docks. They have also urged that the stevedore labour are entitled to the same benefits as the permanent workmen of the Dock Labour Board who are equivalent to the A category workmen among shore workers; that there is not a single casual worker in the Dock Labour Board and that the Dock Labour Board gang workers get 14 to 18 days' employment but are paid 21 days guaranteed wage plus four days weekly off with pay, and in addition are granted on an average, one paid holiday in the month. As for the remaining four or five days on which they get no employment they are paid an attendance allowance of Rs. 1.50 per day. They are in addition granted all benefits, including educational allowance and subsidised housing.

25. *Guaranteed Minimum Wage for Category "B".*—It is argued on behalf of the Unions that if the Dock Labour Board can grant its reserve pool workmen who handle the same cargo and in effect do the same work, a guaranteed number of days' wages in the month and also all the service benefits, there is no reason why the Major Ports should not grant the same benefits to its B category shore workmen. It is also urged that no Port has pleaded financial incapacity to meet this demand. The Unions have found out that the Dock Labour Boards are also paying bonus under the Payment of Wages Act.

25A. On behalf of the Port Administrations it is argued that the various Port Trusts are public trusts and cannot be compared with the Dock Labour Boards who have greater financial capacity. It was urged that in the ultimate analysis the financial burden of guaranteed minimum wages and other benefits granted to the reserve pool workers by the Dock Labour Board are borne by the shipping companies which are in a much better position to bear this financial burden, as they can more easily raise their rates. It has been argued on behalf of the Port Trusts that being public trusts they must necessarily spend prudently. Shri M. R. S. Captain, the learned Legal Adviser for the Bombay Port Trust, has urged that there are occasions when even the A category shore workers are not fully employed.

26. In my opinion, though the demand for a guaranteed minimum wage for the B category appears to be plausible on the analogy of what is being guaranteed to the Reserve Pool Workers under the Dock Labour Board schemes, yet there

are difficulties in the introduction of such a scheme for shore workers, as the average number of days employment enjoyed in the month by the B category workmen of the shore-crew is already high. In Bombay, Shri K. K. A. Nair, the Secretary of the Bombay Dock Workers' Association, has opposed the grant of a minimum number of days guaranteed wages to the B category as they are getting near full employment in the month. I am also inclined to accept the contention that what is guaranteed to the stevedore labour cannot necessarily also be granted to the shore labour directly employed by the Port Administrations. I must take into consideration the fact that in the existing circumstances, under certain contingencies, even the A category shore workers do not get full employment in the month, which is such a marked feature of the employment of A category workmen in the Calcutta Port. I accept Shri Captain's argument that the Port Administrations being Public bodies cannot, in all respects, in the matter of employment of B category workmen, be compared with organisations like the Dock Labour Boards. For these reasons, I hesitate to recommend that B category workmen should be provided with a certain number of days minimum guaranteed wage. In reaching this conclusion, I have also borne in mind the fact that I am recommending the immediate promotion of a large number of C category workmen to the B category.

**27. Attendance Money for 'B' Category workmen.**—The B category workmen are at present getting an attendance money of Re. 1 (also called attendance allowance) for the day on which they are called for work and report at the call stand but are not provided with work. All the unions, without prejudice to their demands for B category workmen being made permanent, have argued that this attendance allowance is too meagre and only meets the transport expenses incurred by them in having to report, at some ports sometimes twice in the day at the call stand and return home. It has been vehemently argued on behalf of the B category workmen that at least adequate dearness allowance should be paid on this attendance allowance of Re. 1. The Port Administrations have opposed this demand and have pointed out that this payment of Re. 1 is really meant to meet the transport expenses of the B category workmen who are casual workmen. In my opinion, the attendance money of Re. 1 is inadequate and needs to be substantially increased. This allowance was fixed several years ago and since then conditions and the cost of living have gone up considerably and the attendance money of Re. 1 is in my opinion inadequate. It has been pointed out that the Dock Labour Boards are paying their Reserve Pool Workmen attendance allowance of Re. 1.50 which has recently been raised to Re. 1.75 per day. I think a substantial increase in the attendance money is called for and I would increase it to an aggregate of Rs. 1.75 per day. The recommendation will therefore be that for the days on which the B category workmen report for duty but are not provided with work they shall be paid an attendance allowance of Re. 1.75 per call. There will, however, be no separate dearness allowance on this amount of attendance money.

**28. I shall now proceed to deal with the service benefits claimed for the B category workmen.** The first service benefit which has been claimed is for a Provident Fund.

**29. Provident Fund.**—The Unions in their written statements have claimed the retirement benefit of provident fund for the B category workmen on the same basis as the Port Administrations are granting to their A category workmen. In support, they have urged that the B category workmen have been in employment of the Ports over a long number of years extending to a maximum of about 12 to 13 years during which their names have been listed in the B category registers. They have pointed out that the workmen engaged in the handling of foodgrains and fertilisers engaged by the Government of India have under a settlement been granted the benefit of a contributory provident fund. They have pointed out that for this category of workmen in the Madras Port the contribution to the provident fund by both parties is as much as 8 per cent on the rates of minimum wage payable. I was told at the hearing that the foodgrain and fertiliser handling workers in the Bombay Port, who are also employed by the Government of India, are also getting the benefit of contributory provident fund at the rate of 8 per cent. But the difficulty in the matter of provident fund is that for the A category workmen this benefit was extended only for entrants therein upto 1st September 1965. After this date any workmen who entered the A category is entitled to the benefits of pension and retirement gratuity and does not enjoy the benefit of a Contributory Provident Fund Scheme. In these circumstances, since the benefit of a Contributory Provident Fund is not available to entrants in A category and other permanent employees from 1st September 1965, it is not

possible now to recommend the benefit of a contributory provident fund for the B category workmen, with retrospective effect. I have however, provided for the B category workmen a scheme for the payment of terminal gratuity.

**30. Privilege Leave.**—I shall next deal with the question of privilege leave. At present the B category workmen are not getting any privilege leave whatever. The A category are entitled to one day's privilege leave for every 11 days' worked and most of the unions have claimed the same rate of privilege leave for the B category. They have contended that as the B category workmen when employed are doing the same work as the A category workmen and are paid the same wages there should be no difference in the matter of privilege leave between them. They have urged that it is manifestly unfair that the B category, who have been in continuous employment from year to year for over a decade, should be denied the benefit of privilege leave. The Port Administrations have all urged that the B category being casual workmen are not entitled to any privilege leave.

31. In my opinion, a clear case has been made out for the grant of privilege leave to B category workmen. In the first instance, as already held by me, it is wrong any longer to treat the B category workmen as mere casuals, because most of them have been in almost full and continuous employment for several years. A provision for a certain number of days leave for rest and recuperation after a year's service is now recognised as an indispensable condition of service to all industrial workers who are not casuals in the real sense of the term.

32. The real question is how many days privilege leave should be allowed to these workmen? The Unions have claimed that they should be granted the same quantum of privilege leave as is granted to A category workmen. It was suggested on behalf of the Port Administration that B category workmen may be granted one day's privilege leave for every 20 days worked, as provided in the Factories Act. However, at the hearing it was stated that the foodgrains and fertiliser handling workmen employed in the Ports by the Government of India are granted one day's privilege leave for every 17 days' attendance. In my opinion, considering all the facts and circumstances of the case, that rate would be a fair rate of privilege leave to grant to the B category workmen. I would, therefore, recommend that the B category workmen should be granted privilege leave at the rate of one day for every 17 days' attendance calculated with effect from 1st January 1967. I further recommend that this rate shall be applicable to all workmen who have completed one year's service in the B category. The privilege leave shall be allowed to be accumulated to the extent of entitlement for 3 years.

33. Sick Leave.—The majority of the unions have urged that the same provision should be made for sick leave for the B category workmen as the A category shore-workers are at present entitled to. The A category workmen are at present enjoying 20 days half pay leave after the completion of one year's service. The Port Administration have opposed the grant of any sick leave to the 'B' category workmen who according to them are casual employees. In my opinion, for the reasons stated in recommending privilege leave to them, some provision for sick leave is also necessary and I, therefore, consider the opposition of the Port Administrations to the grant of any sick leave at all as being unreasonable and unjust. At the same time I do not think that the provision of sick leave to the B category workmen should immediately be the same as for the 'A' category workmen. Now, that a start is being made, I think a provision of 14 days sick leave in the year on half pay or 7 days in the year on full pay would be reasonable. Sick leave is the one leave which by its very nature calls for a provision for its accumulation, so that a workmen when he is suddenly taken seriously ill can use the accumulated sick leave standing to his credit. Normally, accumulation is granted for 42 days on full pay. I, therefore, recommend that the 'B' category shore-workers shall be entitled to accumulation of sick leave for 84 days on half pay or 42 days on full pay. The benefit of sick leave to commence from 1st January 1967.

34. Casual Leave.—The employees in the Central Government are entitled to 12 days casual leave in the year on full pay and that is the rate at which casual leave is granted to the A category workmen. The unions have claimed provision for casual leave at the rate for the B category workmen. The Port Administrations have opposed this demand on the ground that no provision for casual leave is justified for the B category as there is no certainty of continuous employment for them. It has pointed out that there is no separate provision made for casual leave for the foodgrain and fertiliser handling workers in the docks. In my opinion, some provision for casual leave is necessary to meet emergent and unforeseen circumstances which occur in the life of every individual. As I do not consider the 'B' category to be casuals any longer, a provision for some casual

for them is essential. I think a provision for five days' casual leave in the year on the following two conditions would be fair and I recommend accordingly.

(1) Casual leave is not to be taken as of right but to be availed of only in emergent and unforeseen circumstances;

(2) There should be no accumulation of casual leave.

I have recommended the grant of privilege and sick leave with effect from 1st January 1967, as these leaves can be accumulated. As there is no provision of accumulation for casual leave, the fair thing to do would be to grant it with effect from the next calendar year i.e., from 1st January 1968.

**35. Paid Holidays.**—The unions have demanded the grant of paid holidays in the year on the same basis as is being granted to the A category workmen. In Bombay, the A category are granted 13 days holidays in the year and such other *ad hoc* holidays as are declared. The B and C categories are, however, granted *ad hoc* holidays declared only on account of the death of dignitaries. In Calcutta there are for the A category 19 days holidays in the year but none for the B and C categories. Cochin Port allows its A category workmen 14 days paid holidays in the year but only four days to its B and C categories. The Madras Port allows 8 days in a calendar year to its A category six of which are closed Port holidays and the B and C categories are allowed three holidays in the calendar year. It will thus be seen that there is no uniformity in the number of paid holidays observed by the various ports. In my opinion, some provision for paid holidays is necessary for both the B and C categories, and I think a provision of five days paid holidays in the year would be adequate. Of these five days, three days should be National Holidays, viz., Republic Day (26th January), Independence Day (15th August), and Mahatma Gandhi's Birthday (2nd October). The other two holidays to be fixed by the Port Administrations in consultation with the Unions but ultimately at their discretion, depending upon the importance of the local festivals. I further recommend that this shall come into effect with effect from 1st October 1967.

**36. Gratuity.**—When dealing with the demand for provident fund I have indicated that I am more than satisfied that a provision for at least one retirement benefit i.e., that of a terminal gratuity, is necessary to be made for the B category workmen. It is too late in the day for the Port Administrations to deny at least one retiral benefit to the B category workmen who have been in their continuous employment for a number of years.

36. (a) I think a uniform system of grant of gratuity applicable to all the five major ports is necessary. Today, none of the ports grants the B category the benefit of a retirement gratuity. The Bombay Port Trust has a gratuity scheme for its temporary employees under the Bombay Port Terminal Benefits (Temporary Service) Rules. Under that scheme an employee, who retires on superannuation or is discharged from service or is declared invalid for further service or dies while in service, is eligible to gratuity on certain specified scales. I think such a scheme would provide adequate retirement benefit by way of gratuity to the B category workmen of all the Ports. I am of the opinion that the gratuity scheme I am recommending will prove more beneficial and has advantages over a gratuity scheme on the basis of half month's wages for each completed year of service, considering that the existing 'B' category workmen have, in most Ports, put in more than five years continuous service in Category B. I would, therefore, recommend the following scheme of gratuity which shall come into force from 1st October, 1967.

(1) A 'B' Category workman who retires on superannuation or is discharged from service or is declared invalid for further service shall be eligible for gratuity on the scales specified below:—

(a) If the superannuation, discharge from service or invalidation takes place after completion of not less than five years' continuous service but before completion of ten years' continuous service a gratuity at the rate of one-third of a month's pay for each completed year of his service;

(b) If the superannuation, discharge from service or invalidation takes place after completion of not less than 10 years' continuous service a gratuity at the rate of one month's pay for each completed year of service subject to a maximum of Rs. 12,000/-.

(2) In the event of death while in service of an employec governed by these Rules, his family shall be eligible in the manner provided for in explanation (2)

below for a death gratuity on the scale and subject to the conditions specified below:—

- (a) If the death takes place after completion of one year's continuous service but before completion of three years' continuous service a gratuity equal to one month's pay;
- (b) If the death takes place after completion of three years' continuous service but before completion of five years' continuous service a gratuity equal to two months' pay;
- (c) If the death takes place after completion of five years' continuous service but before completion of ten years' continuous service a gratuity equal to three months' pay;
- (d) If the death takes place after completion of not less than ten years' continuous service a gratuity at the rate of one month's pay for each completed year of service subject to a maximum of Rs. 12,000/-.

*Explanation* (1) "Pay for the purposes of these rules shall be the notional monthly time rate of pay adopted at present for A category mazdoors on the lowest slab of the incremental scale for calculating the benefits of pension-cum-retirement gratuity payable to the A category workmen.

(2) In the case of an employee dying before receipt of any gratuity that has become admissible to him the same shall be payable to his heirs legal representatives or assigns.

36. (b) In my opinion, it is necessary in the case of the B category workmen also to provide that in the event of his promotion to the A category prior to retirement or the occurrence of the event entitling him to terminal gratuity, the period of his service in the B category shall count for the purposes of the grant to him of the benefits under the pension-cum-retirement gratuity in the A category and I recommend accordingly.

36(c). I have elsewhere in this Report recommended that the 'C' category mazdoor should be promoted to the 'B' category, no sooner he has completed 4 years' continuous employment in the 'C' category list. In view of this, I consider that the benefit of this provision should also be available to shore workers who have previously been promoted to the 'B' category or those who will now be promoted from the 'C' to the 'B' category. I, therefore, recommend that in the cases of such workmen, previous service as 'C' category workmen in excess of 4 continuous years, shall also count as if it were service in the 'B' category, for the purposes of the benefits of gratuity under the Scheme.

37. *Medical Facilities and Housing.*—By paragraph 11(f) of the Government Resolution of 20th July 1958, all Port Authorities were asked, "to adopt a positive policy for the provision, according to a phased programme of adequate medical and housing facilities to their employees as far as resources permit". The Resolution further observed that, "the workers in the B category should be deemed to be employees of the Port for this purpose although it is obvious that in the matter of housing the requirements of A category workers will have a prior claim before the B category is provided for".

38. Most of the Ports, however, provide medical facilities only to the 'B' category workman concerned and do not extend the benefit to the members of his family. In Bombay Port though the rule is that only the workman is entitled to the benefit of medical relief by practice the same has come to be extended also to the members of his family. Some Ports have objected to the benefit of medical aid being extended to the members of the family on the ground of inadequacy of accommodation in hospital and because of their dispensaries not being able to cope with the additional demands which would consequently be made upon it by the 'B' category workmen. In my opinion, in the matter of medical relief the 'B' category workmen should be given the same benefits as are granted to the 'A' category workmen. I, therefore, recommend that in the matter of medical facilities and housing the 'B' category workmen in all Ports should have the same facilities as the 'A' category workmen except that the 'A' category will have prior claim with regard to the benefit of housing, and medical aid.

39. *Promotion to Category 'A'.*—The next question to be considered is that of promotion from B category to A category. apprehension was expressed by the representatives of both sides that if the number in the A category was unduly enlarged, the present earnings of the A category workmen would be adversely affected as they are mainly piece-rated. I have elsewhere in this Report referred to the privileges attached to the A category workmen in the matter of their employment on piece-rate work. All the same, opportunities of promotion for the

'B' category have to be provided for and the present practice at some of the Ports is that all vacancies by natural wastage in A category are filled in by promotion of the seniormost B category workmen. I recommend that this practice should be adopted. In the result, all vacancies occurring hereafter in A category because of natural wastage or other causes shall be filled in by promotion of the seniormost workmen in the B register to the vacancies so caused and I recommend accordingly.

40. Though the discussion and recommendations in the foregoing paragraphs appear under the heading of 'Bombay Port' they are of general application to all the Major Ports covered by this reference. I may make it clear that if in any of the Five Ports the existing terms of employment and conditions of service in respect of 'B' category workmen are more favourable to them, those conditions will continue and will not be affected by any of the recommendations or observations contained in this Report.

#### *Madras Port*

41. The strength of the A, B and C categories of workmen in Madras Port has been altered on three occasions between 1st August, 1964 and 26th June, 1966, and the latest figures of employment in A, B and C Categories are as follows:—

A.	B.	C.
1374	177	565

42. An analysis of this statement shows that the bulk of the labour is in category A which means that they are permanent employees of the Port and enjoy all the benefits which permanent employees of the Port are entitled to. The number of workmen in the B category is markedly small being only 177. The C category, however, are a substantial number forming as many as 37% of the total of A and B categories and 26.58% of the total of A, B and C put together. They also exceed the B category in number. The Madras Port Trust in its written statement has referred to its B category workmen as temporary and latter as semi-permanent and the comparative statement of the fringe benefits granted by the Ports shows that Madras Port grants three paid holidays to both its B and C category workmen. This is explained by the fact that under an agreement with the Madras Port Trust Employees' Union the Port Administration promoted all B category workmen as on 1st January, 1965 to the A category. Under another agreement with the same union entered into a year later on 26th June 1966, 129 men in the B category, entertained prior to 31st December 1957, were transferred to the A category with effect from 29th June, 1965. As in other Ports the B category workmen in the Madras Port are entitled to an attendance allowance of Re. 1/- per day when they are not engaged for work after giving their attendance at the roll call stand. They are also entitled to free medical benefits. The C category are treated by the Madras Port as rank casuals and are meant to supplement the day to day requirements of A and B categories. They are not eligible for any leave or other facilities applicable to the A and B categories as their recruitment from day to day is meant to meet the sporadic or peak requirements depending upon the traffic of the Port. The vacancies in the category A shore labour are filled in by the B category shore labour according to their seniority and the vacancies in the B category are filled in by the C category shore labour according to their seniority on the rolls. In Madras Port, as in Bombay Port, there is no difference in the rates of payment between A, B and C categories when they are engaged for piece-rated work.

43. Though no separate written statement has been filed by any union in respect of the Madras Port Trust, Shri S. C. C. Anthony Pillai, on behalf of the Madras Port Trust Employees' Union, has filed a compilation which has been accepted as correct by the administration. The compilation contains copies of the several settlements reached between this particulars of the development of the Madras Port and the increased traffic handled by that Port from year to year. Appendix XII is a statement showing the average number of turns of employment offered to A, B and C categories of shore labour from January 1966 to March 1967 (both months inclusive) which shows that the average for the period on which employment was offered to A category was 25 1/3 days, to B category 22 1/3 days and to C category 18 days per month. Thus, providing for four Sundays and one holiday in the month the employment for the A category works out to full employment and of 27 1/3 days in the month to B category and 23 days in the month to C category. This together with a provision for average absenteeism would result in full employment for both the "B" and "C" categories. Appendix I shows the remarkable feature that the existing strength as on 7th April 1967 in A, B and C categories falls short of the sanctioned strength by 15 in category A, 1 in category B and 47 in category C. Credit for this remarkable achievement

goes not only to the Madras Port Administration but also to the Local Union and its veteran Trade Union leader Shri S. C. C. Anthony Pillai, who has argued the case for the "B" and "C" category workmen with marked ability coupled with exemplary restraint. Appendix III is a statement which gives the number of mazdoors in A, B and C categories employed for work daily in all the three shifts in a month during the period July 1965 to June 1966. According to the figures thrown up by the Government Resolution, the Madras Port would have had to employ 891 A category workmen and 264 B category workmen whilst in actual practice it is employing a larger number at least in category A. Appendix VI is a statement showing the average monthly earnings of A, B and C categories of shore labour for each of the twelve months prior to the reduction in strength and also a statement of the average earnings for each of the months subsequent to the reduction in the gang strength. Another interesting statement filed is Appendix XIII which shows a marked increase in the total tonnage handled by the Port Trust shore labour between April 1966 and March 1967. This shows that in April 1966 the tonnage handled was 90102 tons whilst in March 1967 it rose to 251,286 tonnes. Table XVII which gives the average output per mazdoor for shifts of 8 hours and 6 1/2 hours before and after reduction of strength of each gang, shows that the output for a mazdoor has gone up substantially. Appendix XVIII of the compilation gives particulars of the total tonnage of cargo handled for each of the years 1951-52 to 1964-65 and the total revenue earned. The table shows a progressive increase each year in the total tonnage of cargo handled and the total revenue between 1951-52 and 1964-65 is reflected in the figures for those two years which are as follows:—

Year.	Total tonnage of cargo handled ;	Total Revenue
1951-52 . . . . .	2,154,000	1,36,03,000
1964-65 . . . . .	4,398,000	4,62,32,000

This shows that the tonnage handled had more than doubled and the total revenue more than trebled. Appendix XIX gives the particulars of the increase in the number of quays, the number of berths, area of transit sheds warehouses, length of railway track and number of locomotives between 1957 and 31st March 1966. All of which goes to establish that the Madras Port has expanded considerably and its revenue earning capacity has also improved.

44. Shri Jaywant, Traffic Manager, Madras Port, has stated that production in ports cannot be fixed in advance for any month as the ports have no prior information of the arrival of ships. He has argued that every port needs casual labour which could be put to work when there is excess of demand for them and necessitate the retention of more than one register of employees. He has drawn attention to the fact that Madras Port is the one Port where the number of workmen employed in each category closely approximates to its sanctioned strength.

45. The peculiar feature of the employment of B category in Madras Port arises from the fact that in December 1964 all the workmen in B category were promoted to A category and all the workmen in C category were promoted to B category. It appears that there had been no recruitment at all to C category since March 1958, when the piece-rate scheme was introduced, until about December 1964. The existing C category workmen are those who were registered as C category in December 1964 and the maximum number to be recruited to the C category was limited to 750. As stated earlier, in July 1966 when the Madras Port Trust wanted to recruit more men to the C category the union struck work again on the ground that as full employment was not being offered to C category there was no justification for further recruitment. Thereupon a settlement dated 26th June 1966 was reached whereby the reference of the dispute to the Court of Enquiry with regard to C category workmen was agreed to.

46. It will thus be seen as noted earlier that it is due to the vigilance of the local union that the number of workmen in the B and C category have been limited.

47. Apart from this general feature, the terms and conditions of service of the B category workmen in Madras Port approximate to the benefits granted by the Bombay Port except that the Madras Port grants three days paid holidays to both its B and C categories of workmen. The service benefits granted to the B category workmen in Madras Port are shown in the comparative statement annexed hereto. The same arguments have been urged on the union's demand for granting to the Madras Port B category workmen the benefits which are granted

to the A category workmen as were urged on behalf of the B category in Bombay and other Ports. Therefore, with regard to the B category workmen I make the same recommendations as I have made for the B category workmen in the foregoing paragraphs of this chapter and the benefits which I have recommended shall also come into force from the same date as I have recommended earlier.

#### Cochin Port

48. After decasualisation the shore labour in Cochin Port was divided into A, B and C Categories. The A Category was formed on 22nd May, 1963 with a strength initially of 84 men, having all the privileges of permanent class IV employees of the Port Trust. At present there are 359 men in the A Category divided into 24 gangs who work six days on a staggered basis with one day in the week as roster off. With regard to Category B, the Port in its written statement has observed that, "their status is neither of rank casuals nor do they have the status of A Category labour, but they come in between the two." The Port has today 264 men in the B Category including 17 leaders divided into 18 gangs. They both work in the same manner as A Category and are also entitled to a weekly day of rest.

49. The Port has described its C Category workmen as being more or less rank casuals. There are today 664 "C" Category workmen divided into 49 gangs. The "C" Category gangs and their leaders are called out in rotation by a notice being put up on the notice board at the call stand, where A and B Categories are not sufficient to meet requirements. The C Category as in the other Ports, do not get any attendance allowance. The peculiar feature, however, of the employment of C Category in Cochin Port is that during the monsoon months May to September they get full or near full employment but in the rest of the months on an average they get only three to five days employment in the month. It is admitted that the C Category workmen in Cochin Port are free to take up other work on the days when no employment is provided for them. The normal orders of booking is first A, then B and then C. But the order of booking is reversed on days which are declared holidays for the A Category and becomes C, B and A in that order of preference. In Cochin Port all the Categories are normally booked on piece-rate work. They are booked on time rate work on certain work such as restacking of cargo, tracing out the packages etc., where it is not possible to link the wages with the turnout.

50. The Cochin Port has annexed to its written statement tables showing the number of days worked by A Category in each month during the period April 1965 to March 1966 from which it is clear that A Category gets work on almost all the days in the month if the number of holidays and weekly off days are taken into account. With regard to the B Category the statement shows that they too are getting near full employment, and in both cases if allowance for average absenteeism is made there is full employment for all the days in the month. With regard to the C Category it appears that the average employment is for 18 to 19 days in the month over the year, but for the period from May to September, which are the monsoon months, the C Category also gets near full employment in each month. The picture is reversed from November to February when the booking is only 2 or 3 days in the month. In Cochin Port also the number of workmen employed in the A and B Categories are higher than are thrown up by the application of the Government formula dated 20th July 1958. The shore labour are paid both on time-rate or piece-rate wages and in addition the A and B Category are paid a differential of 40 paise per shift and the C Category 25 paise per shift. There is a practice of granting additional dearness allowance of 76 paise per shift to all the three Categories. In addition, they are interim relief recommended by the Wage Board which today is 39 paise per shift for all the three Categories. A and B Categories of workmen are paid Attendance Allowance of Rs. 1.50 and Re. 1 per shift respectively. All the three Categories are eligible for weekly offs and to medical aid for themselves and their families. Another marked feature is that there is a provision for holidays with wages for all the three Categories. A category gets 14 days and B and C Categories get 4 days holidays in the year. Casual leave of 9 days is provided for the A Category but no provision is made for the B and C Categories. Earned leave is granted to A Category as per Cochin Port Employees Leave Regulations but no earned leave is granted to the B and C Categories. Leave travel concession is granted to the A Category workmen according to the Cochin Port Employees Leave Travel Concession Regulations 1964 but none is granted to the B and C Categories. The Port grants a maximum of Rs. 70 and Rs. 75 as festival advance for mazdoors and leaders respectively of the A Category but none to the B and C Categories.

51. With regard to the other service benefits for Category B workmen, there is no reason why they should not get the same as I have recommended for the B Category generally, in the foregoing paragraphs of this chapter. I may state that wherever in any particular respect the existing service conditions are more favourable for the B Category workmen, than recommended by me the same shall be retained. The attendance allowance of the B Category will also be raised from Re. 1 to Rs. 1.75 from 1st October, 1967.

#### Visakhapatnam Port

52. This Port was declared open for traffic only in 1935. The shore labour is divided into two set-ups one which handles import general cargo and the other which handles the export of mineral ores and pig iron. In 1958 the Port terminated the contract system for handling import general cargo and the shore labour organisation in its present form had its origin then. After eliminating the contractors the workers were engaged through maistries. This system also proved unsatisfactory and in 1963 the Port took over the responsibility of directly engaging workers. There are at present two categories of shore labour at Visakhapatnam Port for handling all types of import cargo (other than bulk cargo) at shore and in lighters. These two categories were formerly known as the B and C Categories but are now stated to be A and C Categories. The B Category workmen were those who were registered for regular work in the Port and the C Category were casuals employed for additional requirements after employing all available B Category workers. At the time the Visakhapatnam Port filed its written statement dated 17th August, 1966 the strength of each category was as follows:—

B Category Maistries	.	.	.	.	39
B Category Mazdoor	.	.	.	.	<u>537</u>
TOTAL	.	.	.	.	576

  

C Category mazdoors	.	.	.	.	198
					<u>774</u>

53. This position changed during the hearing before this Court and in a subsequent written statement filed in respect of the C Category workmen and in the submission made by the representative of this Port at the hearing, the B Category workmen on the shore labour cargo handling side were promoted to Categories A and A1 and there were then 193 workmen in the C Category. According to the Visakhapatnam Port, of these two Categories of A and C the latter is casual and meant to meet additional requirements. The present strength of the shore labour on the general cargo side is stated to be:—

A Category	.	.	.	Maistries	.	.	24
				Workers	.	.	<u>445</u>
A1 Category	.	.	.	Malistries	.	.	14
				Workers	.	.	<u>80</u>
							563
C Category	.	.	.				<u>193</u>

The A and A1 categories are permanent and the C category casuals.

54. Wages are paid on piece-rate basis at specified rates. There is also a time-rate system of payment for certain work such as re-stacking of cargo and shifting of cargo from one place to another. The time-rate of a worker is Rs. 3.75 per day and that of a maistry Rs. 4.75, excluding dearness allowance of 88 paise and interim relief of 39 paise. The piece-rate scheme is considered a straight piece-rate system. The C category workmen also get the benefit of dearness allowance and interim relief. In addition medical aid is given to A and B category workmen but not to their families. The C category workmen get the benefit of the Workmen's Compensation Act but not of any medical aid for themselves or their families. The B category, before their absorption into A and A1 categories, were getting an attendance allowance of Re. 1 on the days on which employment was not offered to them after they had reported for work at the call stand. A night allowance of Re. 1/- per worker is being paid to those who handle bags and bales on shore in the second and third shifts. The B category workers are entitled to three National Holidays with wages, (Independence Day, Republic Day and Mahatma Gandhi's Birthday), medical facilities as stated above and weekly day of rest with pay. A

festival advance of Rs. 65/- per worker for B category and Rs. 25/- for C category is also given. The B and C categories are in addition entitled to a payment of 4% *ex gratia* towards bonus.

55. With reference to the export handling labour, (also known as skip loading labour), in July 1962 the contract system was finally abolished and it was decided to implement a listing scheme for this labour. Under this system all the existing workers were registered and they were paid piece-rate wages without any benefits. In October 1964 the departmental scheme under the Government Resolution of 20th July 1958 on Report of the O.S.D. was introduced. In 1965 the C category workers were promoted to B category and in August 1966 the original B category workers were promoted to the A category. There was, therefore, no C category workmen in this section from 17-10-1965. 180 B category workmen on ore handling side were recruited being taken over from the Co-operative Society into which they had formed themselves. The present position, as on 16-6-1967, appears to be that on the ore handling side this port has.—

Maistries	:	:	:	:	A category	:	60
Workers	:	:	:	:	A category	:	767
Workers	:	:	:	:	B category	:	180
Workers	:	:	:	:	C category	:	306

In addition there are 24 A category workmen who are daily-rated. It is admitted that the number of A category workmen at present employed is in excess of what would have been thrown up by the application of the Government formula. The total of A and B category workmen at both set ups is also in excess of what would be required under the Government formula. I may pause here and state that A and B category workmen are given a paid weekly day of rest but not the C category.

56. It does seem that the Visakhapatnam Port has not followed the Government Resolution with regard to the recruitment of A and B categories. In fact, it did not have any workmen in the A category on the shore handling side and has today even no B category workers on the cargo handling labour side. It also had no C category workmen on the skip loading or ore handling side till 16th June, 1967. In fact, it is doubtful whether the Administration of this Port had at all applied its mind to the Government Resolution with regard to the recruitment of A, B and C categories of workmen in this port.

57. In my opinion, there is no justification for division of the A category into A and A1 as has been done by this Port in respect of its shore labour. As A1 are also regarded as permanent—this designation should be abolished and all the workmen who are in the Category A1 shall from the date they were put in that category be treated as permanent workers belonging to the A category and be given all the benefits which A category workmen are entitled to.

58. With regard the service conditions, I think, this Port also should fall in line with the other ports and the recommendations which I have made in foregoing paras of this Chapter shall also apply to this Port. Where, however, any existing service condition or conditions are better and more favourable to the workmen than those which I have recommended they shall be retained.

#### CALCUTTA PORT

59. The shore workers in Calcutta Port engaged in loading and unloading work are (1) monthly rated and (2) Piece-rated. In the piece-rated set up there are three categories of labourers (1) A category who are permanent (primary gang workers) (2) B category who are temporary (secondary and badli gang workers) and (3) C category who are casuals—Regional Employment Exchange Gang Workers—(R.E.E. Gang Workers). The unions have claimed that the B category workers have been working continuously since the last about 8 to 10 years on an average booking of 26 days inclusive of roster off days (weekly off days) but have been wrongly denied the benefits which temporary workmen of the Calcutta Port enjoy. The demands of the B Category workmen may be summed up as follows:—

- (1) Permanency in service (2) promotion to A grade (3) Leave facilities
- (4) Provident Fund benefits (5) Indoor medical treatment for the worker and his family (6) Equal pay for equal work (7) Dearness Allowance when required to attend call stand (8) Roster off benefits when holidays intervene in a week (9) Roster off wage at par with A Category labour (10) P.T.O. concessions (11) Housing facilities (12) Gratuity and other service conditions (13) Double the rate of normal wage or wages when called to duty on any weekly off or paid holiday.

60. The history of employment of shore labour in Calcutta Port is that prior to 1st April 1948 loading and unloading work at Calcutta Port was carried on by Messrs. Bird & Co. under a contract from the Calcutta Port Commissioners. This contract was terminated on 1st April, 1948 when the workmen were absorbed by the Port Commissioners. Later, a new system known as the piece-cum-pay rate scheme was introduced and the conditions and relative strength of the different categories of workmen were fixed by agreement with the labour unions. In Calcutta the cargo handling work is carried out at Kidderpore Docks, K.G. Docks, Garden Reach Jetties and Calcutta Jetties. The loading and unloading of cargo at these docks and jetties is done by the Commissioners' shore handling cargo workers who are A Category. The unions have contended that the B Category workers are also permanently required for this purpose and in the export and has pointed out that B Category workers have been continuously employed on the same job for the last six to eight years whilst the Port Commissioners' position appears to be that B and C Category workers are employed whenever required. I may straightaway say that I am more than satisfied that the Calcutta Port has, continuously over the years, regularly required a large number of B Category workmen and that I do not accept the Port Commissioners' plea that the B Category workmen are casual employees. As I have stated earlier the C Category do not pose any problem here as their number is very small being just 70 at present, and they are besides recruited from the Regional Employment Exchange.

61. The Calcutta Port is a riverine Port subject to bore tides of severe intensity owing to which during certain periods each month no cargo handling work to and from vessels can be performed on Garden Reach and Calcutta Jetties. This adds to the normal uncertainties connected with handling cargo in ports and docks.

62. The available figures of A, B and C Category workmen employed in Calcutta Port as on 31st October, 1966 are as follows:—

Category A	..	6,031
Category B	..	2,277
Category C	..	70
	..	8,378

63. In explanation for the large number employed in Category 'A' and 'B', the Commissioners have stated that in March 1957 the Government of India had constituted a Committee in pursuance of sub-clause (90) of clause 42 of the Calcutta Dock Workers' (Regulation of Employment) Scheme 1956 for the benefit of evolving a piece-rate scheme at Calcutta for Dock workers covered by the same scheme on the model of and in the light of principles contained in the decision of the Labour Appellate Tribunal, dated 1st February, 1956 in the Bombay Dock Labour Appeals, subject to such changes as deemed necessary. The Government of India on 19th March, 1957 authorised that Committee (hereinafter referred to as the First Committee) to evolve a piece-rate scheme for shore workers and crane drivers of the Port of Calcutta which made its report to the Government of India on 18th August, 1957. Objections were urged against that scheme and the Government after due consideration constituted Shri F. Jeejeebhoy, the then Chairman of the Labour Appellate Tribunal of India, as a single member Committee for the purpose of examining the said report and to make such recommendations as it deemed fit after due investigation. The Government of India later also authorised the Jeejeebhoy Committee to examine the said Report of the shore workers and crane drivers of the Calcutta Port. The Jeejeebhoy Committee submitted its report on 12th August, 1958. The Port Commissioners have stated that in the meantime on the publication of the First Committee's Report they had made preparations for the implementation of the scheme evolved by the Committee and had raised 1547 B Category workmen to A Category. As a further implementation of that scheme the Commissioners also took on their B Category register a pool of 600 workmen and 200 R.E.E. Gangs numbering 2600 workers, who constitute the existing B Category. The Commissioners also filled 60 vacancies in the A Category labour Kantapukur gangs from the then secondary/ticca labour in 1955. These steps according to the Port Commissioners had resulted in the existing excess of A and B Categories and since then the Commissioners have been carrying this additional burden of excess A and B Category labour. The unions, however, stated that the real reason why this large increase in the shore labour of A and B Category was made was that there was a spurt in traffic due to a large quantity of bulk food cargo arriving in the Calcutta harbour. Be that as it may, it is now admitted that the present large number of 'B' Category workmen has been in existence since the last about 8 to 10 years.

64. The cargo handling practice in Calcutta Port at alongside berths and sidings differs from those in vogue in other ports. For example in Bombay no food handling is done by the port labour. But in Calcutta the Port labour handles the food grains at all stages ex-ship, loading of lorries and loading of wagons. This is one of the reasons why Calcutta Port needs a larger complement of shore-labour than other Ports in the country, and has to-day a total of as many as 8,378 A, B and C Category workmen.

65. Under Notification No. S.R.O. 3669, dated 29th December, 1954 made under the provisions of the Minimum Wages Act the minimum all inclusive wage per day of B Category workers and their sirdars at Calcutta Port was fixed at Rs. 2 and Rs. 3 respectively.

66. It is necessary to refer to the offers made to the Unions by the Port Commissioners while lifting certain number of B Category gangs into A Category which has been stated in paras 19 and 20 of the Port Commissioners' written statement as it is, the Port Commissioners' contention that the unions unreasonably declined to accept these offers.

67. It appears that in December, 1964 a settlement was entered into by the Calcutta Port Commissioners with the Calcutta Port Shramik Union. In pursuance of that settlement the Calcutta Port Commissioners appointed a Departmental Committee to go into the question of promotion of B Category workers into A Category. Further negotiations which followed between the Port Commissioners and the said union failed because, according to the Union, the Port Commissioners resisted the claim of promoting B into A relying upon the Government Resolution. The Committee submitted its Report on 30th January, 1965 and, later, at a meeting held with the representatives of the Calcutta Port Shramik Union the Port Commissioners made alternative offers for promotion of certain number of B gangs to Category A. Those suggestions are contained in paragraph 19(b) at page 10 of the written statement of the Port Commissioners marked C-2 in reply to the statement of claim of the All-India Port and Dock Workers' Federation. The first offer was that the Commissioners would transfer upto 80 B Category gangs to A Category provided (i) A category gang agreed to accept booking at Calcutta Jetties without insisting on transport to be arranged by the Commissioners. (ii) the A Category gangs would work in all the three shifts in the ratio of 2:2:1 instead of the existing ratio of 3:2:1. In the alternative the second offer was to allow the Calcutta Port authorities to refer the whole matter to adjudication. The Port Commissioners have stated that the union did not accept either of the alternative suggestions. They, however, agreed to consider the proposals and to intimate their final views in due course. Later, at another meeting, a further offer to transfer upto the first 100 B Category gangs to A Category gangs on the basis of seniority was made provided both the conditions made during the course of earlier discussion were accepted by the workers concerned and provided further that both the registered unions accepted the solution as a final settlement. If only the condition regarding booking in the three shifts in the ratio of 2:2:1 were to be accepted by the workers the Commissioners offered to lift upto the first 30 B Category gangs to A Category. The union, representatives, however, pointed out that very few men were left in the first 30 B Category gangs but they were assured that if the total numbers fell short of 100 workers the Commissioners would lift additional gangs to make up a total of 100 workers. The Port Commissioners have contended that considering that the Government Resolution had not been changed the conditions for lifting the B Category gangs offered by the Commissioners were fair and reasonable and the unions had been unreasonable in rejecting the same.

68. It appears that there was a meeting held on 9th August, 1965 by the Ministers for Labour and Employment and Transport the representatives of the All-India Port and Dock Workers' Federation and the Chairman of the major ports and Dock Labour Boards when the question of decasualisation of shore workers was further discussed and it was decided that the question of decasualisation of Port workers should be discussed with the representatives of the Port authorities and if the discussions were not fruitful the matter would be discussed at a higher level. However, from 24th December, 1965, the B Category workers of the Port of Calcutta went on strike which lasted for 85 days continuously causing serious loss to the Port authorities and the Ministry of Food and Agriculture. The union has stated that the resentment of the B Category workers was accentuated by the fact that the baggers and stitchers, salt workmen and chipping and painting workers at the Port of Calcutta who were in the past purely casuals were granted certain amenities and benefits and in some cases even minimum guaranteed wage. The Commissioners have submitted that reference to the cases of baggers and stitchers and salt workers is not relevant to the instant reference. The unions

have submitted that the B Category workmen are regular workers whose service was indispensable for the smooth running of the Ports as was proved during the strike. They have relied upon Resolution 70 of the Inland Transport Committee of the I.L.O. concerning the regularisation of the employment of dock workers adopted at its meeting held in Brussels from 8th to 27th May, 1947 where the need of regulation of employment of such workers and granting to them minimum guaranteed wage was emphasised. The unions have, therefore, urged that the scheme of departmentalisation of the shore workers under the Port authorities be so amended as to bring it in line with the decasualisation of dock workers under the provisions of the Dock Workers (Regulation of Employment) Act, 1948, and the B Category workers should be treated as equivalent to the reserve pool workers under that scheme and guaranteed minimum wages which should be a living wage and attendance money and all other benefits and amenities available to A Category and other Port workers should be granted to them. They have further claimed that the B Category workmen should have opportunities of promotion to A Category at regular intervals in accordance with the principles of seniority.

69. The loading and unloading of cargo is carried out at the docks and jetties round the clock in three shifts. The Commissioners' A Category workers work in all the three shifts at Kidderpore Docks, King George's Docks and Garden Reach Jetties. They do not work at Calcutta Jetties in any shift. The Commissioners' A Category workers are governed by the terms of the revised incentive piece-rate scheme 1964 copy of which is attached to the written statement 'C-1' of the Calcutta Port. This scheme was unanimously evolved by a Committee consisting of the representatives of the Commissioners and their two recognised Unions, viz. the Calcutta Port Shramik Union an affiliate of the All-India Port and Dock Workers' Federation and the National Union of Port Trust Employees (now known as National Union of Waterfront Workers) an affiliate of the Indian National Port and Dock Workers' Federation. It appears that the Commissioners also had a pool of permanent monthly rated workers in common parlance known as departmental porters and muster gang porters who are on time-rate scales of pay and earn an incentive of Re 1 per shift under the said scheme whenever booked for cargo handling work. The Commissioners' A Category workers work in gangs and are constituted as follows:—

Coal Docks	203 Gangs.
Cargo Docks	358 Gangs
Kantapukur	35
Tea Ware House	13

Each gang normally consists of 12 porters and a sirdar. The cargo dock gangs rotate in all the three shifts in a ratio whereby each gang works 3 weeks in the morning shift 2 weeks in the afternoon shift and 1 week in the night shift—allowing for the weekly day of rest a total of approximately 300 gangs are available for booking daily in Cargo Docks and in the proportion of booking mentioned above, normally, 150 gangs are available for booking in the morning shift, 100 gangs in the afternoon shift and 50 gangs in the 3rd shift excepting at Calcutta Jetties where they cannot be booked. The Port Commissioners have stated that they were required to book B Category workers for cargo handling work at cargo docks and also at the Calcutta Jetties not only to meet temporary need of extra hands on work of a casual nature owing to the inherent fluctuations in traffic but also due to the practice of the A Category workers not working in any shift at Calcutta Jetty and the inflexibility of the proportion of booking of A Category workers in shifts regardless of actual requirements. The Port Commissioners in their written statement 'C-1' at page 13 have expressed the difficulties in this matter in the following terms:—

"Due to these restrictive practices and also inherent fluctuations in traffic the Commissioners are forced on the one hand to send home a large number of A Category workers every day who are found surplus to requirements after being booked and on the other to employ a large number of B Category workers for work in the afternoon and night shifts and for all shifts at Calcutta Jetty thereby rendering a considerable number of their permanent labour force (A Category) idle."

70. The Commissioners have stated that as suggested by the Government Resolution they made a review in September, 1965 which revealed that they were required to maintain 4553 A Category workers and 1349 B Category workers whereas they have on their registers 6742 A Category workers and 2383 B Category workers. The review therefore, revealed excess of workers to the extent of 2189 and 1034 in A and B Categories respectively. The Commissioners, however, did not reduce the excess labour in conformity with the stipulation of the Government Resolution in this regard.

71. The Port Commissioners have annexed to their written statement exhibit C-2 a statement annexure E which shows the calculations made in accordance with the Government Formula for the periods July to June of the years 1962-63, 1963-64 and 1964-65, which shows that the strength of labour actually employed in A and B Categories was very much higher than that thrown up under the Government Resolution. The Commissioners have stated that they have a number of individual A Category gangs whose strength stands depleted due to natural wastage and that the Commissioners cannot fill the vacancies in these gangs on account of overall surplus of their A Category labour. For this practice the Commissioners have relied upon paragraph 11(b) of the Government Resolution which requires that such excess labour will have to be retained except to the extent of natural wastage. The Commissioners have also pointed out that with regard to the B Category workmen its practice is to absorb them in any suitable Class IV vacancies arising in any of their departments and so far 442 B Category workers are working in this way against Class IV vacancies other than A Category.

72. Like the other Ports the Commissioners pay their B Category workers an attendance money of Re. 1 only per day if the workers report for duty at the call stand and are not allowed any work. In doing so they are following the directions contained in paragraph 11(3) of the Government Resolution which raised the attendance money of B Category from 12 annas to Re. 1 from the date of the introduction of the piece-rate scheme.

73. The B Category workmen when employed on work other than cargo handling work are not comparable with A Category workers as the latter are not employed for work other than cargo handling work. When the B Category worker is booked for work other than cargo handling work his inclusive wage is Rs. 3.84 that is the same rate at which other comparable daily-rated persons are engaged by the Commissioners. The Port Commissioners have opposed the grant of service benefits to which A Category workmen are entitled on the ground that such benefits are contingent on continuous and regular service, which according to them the B Category workers being casuals are not entitled to.

74. With regard to the unions demand for placing the B category workmen on par with the reserve pool register workmen under the Dock workers (Regulation of Employment) Act, 1948, the Commissioners have stated that since the Calcutta Dock workers (Regulation of Employment) Scheme 1956, framed under the said Act is not applicable to the Commissioners' employees they are not entitled to the benefits of that scheme. They have further stated that the B category workers being casual workers cannot be equated with A category workers.

75. Existing vacancies in Category 'A'.—Labour has demanded that all existing vacancies in category 'A' gangs should be filled in by promotion from the B category on the basis of seniority. This demand has been vehemently urged before me and it is, therefore, necessary briefly to review the employment position of 'A', 'B' and 'C' categories of workmen in the Calcutta Port since 1948.

76. As stated earlier, in 1948 the contract of Bird and Co., was terminated and the Calcutta Port Commissioners claim that it introduced a scheme of decasualisation by taking in 6405 workmen into the Primary or 'A' category consisting of 500 gangs in Cargo Dock and 192 gangs in the Coal Docks. 1,800 departmental labour were then included in the 'A' category. Thereafter in 1955, 60 gangs with the Sirdars i.e. 780 all, and on 11 September 1957, 119 gangs were added from the Secondary or Ticca gangs to the Primary or 'A' category. It is claimed by the Port Commissioner that this latter addition was done in anticipation of the implementation of the piece-rate scheme which was recommended by the First Committee referred to earlier. Thereafter, for a period of about nine months from 12 September 1957 to 19 February 1958 there were no workman in the B or Secondary gangs. Thereafter, between February and April 1958 the Port Commissioners recruited 50 gangs without Sirdars i.e., 600 workmen and 200 gangs with Sirdars i.e., 2600 as B category employees bringing their total to 3,200.

77. It is necessary at this stage to once again reproduce the strength in the A, B and C categories in Calcutta Port as on 31 October 1966 as shown in the Port Commissioners' statement.

Categories.	Sirdars	Porters	Total
A	391	5640	603
B	170	2107	2277
C	70 R.E.E. workmen.		

Labours' contention is that the present 2277 workmen in the B category have been in continuous employment in the Calcutta Port since their recruitment in about 1958, that is to say, for the last eight to nine years and they should be promoted to the vacancies in the A category. Apart from the demand for granting them service conditions which A category workmen enjoy.

78. This brings me to the question of how the unions claim that there are vacancies in the A category. The unions have argued that the Calcutta Port Commissioners are not employing in category A the number of workmen provided for in the establishment schedule. Now, in their statement 'I' which the Calcutta Port Commissioners were required to file, the strength of A category workmen as shown in the Commissioners' establishment schedule for 1965-66, was stated to be as follows:—

Docks	Sirdars	Porters
Cargo Dock . . . . .	358	4296
Coal Dock . . . . .	203	2436
Tea Warehouse . . . . .	18	216
K.F. . . . .	35	420
	614	+ 7368=7982

79. Now, it is admitted that the Commissioners' establishment schedule for the year 1966-67, though not published yet, will remain unchanged, and will show the same figure as of 7982. Now, as I have shown earlier the total number of Sirdars and Porters employed in Category A as on 31 October 1966 was 6031, being less by 1951 of the Schedule strength of 7982. The unions have, therefore, argued that there are vacancies of 1951 workmen in the A category which it demands should be filled in. In support, the unions have pointed out that in no Port in a single vacancy in the A category allowed to remain unfilled and that the Calcutta Port Commissioners have been violating this practice in keeping these vacancies in A category unfilled. On the other hand, it is argued on behalf of the Calcutta Port Commissioners that this demand is not justified because the existing number of workmen on the rolls in A category is in excess of that thrown up by the Government Resolution. They have in that connection relied upon the observations in paragraph 11 of the Government Resolution of 20th July, 1958 which says that where there are existing larger numbers in A category the vacancies need not be filled in. Secondly, the Port Commissioners have stated that due to certain restrictive and other practices followed by the A category workmen e.g., the refusal to work in the Calcutta Jetties and the earlier refusal of the A category to work on weekly off days, it had become necessary for the Calcutta Port to send away a substantial number of A category workmen without giving employment to them. They have also urged that they have to be practical in also providing employment to a reasonable number of B category workmen and therefore it becomes necessary to send away a certain number of A category workmen. Thirdly, the Port Commissioners have stated that the present practice of employing gangs in the ratio of 3:2:1 also results in it not being practical to fill in the vacancies in A category, and it had asked the Unions to accept a change by allowing the Port Administration to employ them in the ratio of 2:2:1. The conditions which the Port Commissioners had offered to the unions to consider the lifting of 100 gangs of B category into A category, have been stated in the correspondence filed. The difficulties experienced by the Port Commissioners in this matter have been stated in some detail in Para 13 of its written statement C-1. The Port Commissioners have lastly stated that as a result of the review held by it in September 1965 as suggested by the Government Resolution, it was ascertained that it was required to maintain only 4553 in the A category and 1349 in the B category whilst they have on their registers as shown earlier the excessive numbers of 6031 A category and 2277 B category workmen. The Port Commissioners have for these reasons stated that the Unions demand for filling in vacancies in 'A' categories is not justified.

80. I have given careful consideration to the submissions made by both parties on this subject. I have studied the written statements filed by the parties and their annexures. I have seen the correspondence relating to the Port Commissioners' offer to promote 100 gangs of B category workmen to A category workmen subject to the conditions suggested by them. I have given consideration to the restrictive practices adopted by labour to which the Calcutta Port Commissioners have drawn my attention. The restrictive practices briefly recapitulated are:—

1. 'A' category workmen of Cargo Katapukar Coal Docks and Tea Warehouse do not work at Calcutta Jetties.

2. The ratio of booking is 3:2:1 and the Union does not agree to its being changed to 2:2:1. According to the Unions the existing practices adversely affects full and proper utilisation of A category labour, resulting in some A category having to be sent home.
3. A category Dock workers do not handle coal, even when coal is worked in cargo docks.
4. Cargo Docks A category gangs do not accept booking at Katapukar or Tea Warehouse.
5. A category Cargo Dock, Tea Warehouse and Katapukar do not accept booking in railway-yards for transmission of packages in wagons.
6. Katapukar A category gangs do not perform in second and third shift duties, except on holidays and if spare at Katapukar, work on all commodities other than coal in first shift normally, and in second shift only on holidays.
7. A category labour cannot be booked to perform non-operational work, such as sweeping, washing sheds, etc., for which a number of B and C category gangs have to be employed.

81. I may state that I cannot accept that all these restrictive practices are only exceptional to Calcutta Port, in as much as even in Bombay Docks the A category workmen are not required to do non-operational work such as stated in 7 above. It is further significant that though these 7 restrictive practices were detailed on behalf of the Calcutta Port Commissioners, at the hearing, in the discussion with the Union, the Port Commissioners have only referred to the first two restrictive practices listed above, viz., that A category gangs should agree to accept booking at Calcutta Jetties without insisting on transport to be arranged by the Commissioners and that A category gangs should work in all the three shifts in the ratio of 2:2:1 instead of the present ratio of 3:2:1.

82. In this connection, a fact to be remembered is that work in the Calcutta Jetties does not prove very remunerative to category A workmen because there is comparatively less work at that Jetty than there is in the other Docks e.g. Cargo Dock. It has been urged on behalf of the Calcutta Docks that the vacancies in A category cannot be filled in because A category workmen have to be sent off as there are occasions when there is no work for them. The Unions have argued that the statement G filed by the Calcutta Port Commissioners shows that there were months when A category were not sent off from work, but had been booked and employed and yet there was scope for employment of B category workmen also. The point made by labour was that even though A category workmen were not to be sent off, the Calcutta Port would, nevertheless, require B category workmen to do the work of A category, which according to it shows that there can be an addition to the existing number of A category workmen without disrupting their work.

83. It was next urged on behalf of the Port Commissioners that the considerable mechanisation, details of which were given by Shri G. V. Karlekar, Chief Labour Officer, at the hearing at Calcutta in November 1968, all the vacancies that had occurred in the A category were not required to be filled in. Labour has countered by stating that in Calcutta Port there has been no promotion of B category workmen into A category for natural wastage ever since February—April 1958, when the present B category workmen were recruited. In this connection, they have pointed out that since 1958 in Madras and Bombay Ports there had been two occasions when substantial numbers of B category workmen were promoted to A category. There is, I think, substance in this point. There must, during this period of 9 years since 1958, have been considerable natural wastage in the number of A category workmen which has not been filled in.

84. Under the terms of reference, I am not called upon to deal with the controversy regarding justification or otherwise of the restrictive practices referred to above. Nor am I called upon to say whether the Port Trust is justified in demanding the change in the existing ratio of employment of A category gangs from the ratio of 3:2:1 to 2:2:1. In my opinion, on both these controversial issues, neither the Port Commissioners nor the Unions have adopted a reasonable or helpful approach for their solution. I should, however, like to record that Shri P. K. Dutta, Joint Secretary of the Calcutta Port and Dock Workers' Union stated at the hearing that the 'B' category workmen who might be promoted to A category would have no objection to working in the Calcutta Jetties.

85. All the same, on the submissions made by the parties, it does appear to me that a case has been made out by the union for promotion of certain number

of existing B category workmen to fill the vacancies in the A category, provided these promoted categories agree to work at Calcutta Jetties.

86. Since February—April 1958 there has been no filling up of the vacancies in the category 'A' by promotion from category 'B' not even of vacancies on account of natural wastage. As stated above, in Madras and Bombay Ports there have been two occasions after 1958 when large numbers of 'B' category workmen were promoted to category A even though their number in the A category was in excess of the Government formula. Taking into consideration all the facts and circumstances and in the interest of industrial peace, I recommend that 520 (40 gangs of 13 men including the Sirdars) of the workmen in the existing B category should be promoted to the A category of the Calcutta Port, according to seniority with effect from 1-10-1967.

87. I shall now deal with certain other miscellaneous demands made on behalf of the workmen of the Calcutta Port.

88. *Demand for equal pay for equal work.*—The Calcutta Port and Dock Workers' Union has argued that B category workmen when booked for piece-rate cargo handling work are not paid the same rate of wages as A category workmen. Shri P. K. Dutta, Joint Secretary of the Union has argued that this is a violation of the direction contained in paragraph 11(d) of the Government Resolution dated 20th July 1958 where Government accepted the O.S.D's recommendations that the wage rate of a shore worker whether he belongs to A, B or C category should be the same. In support of this at the hearing in Calcutta in November 1966 he filed 3 tables of calculations. I have heard the detailed submissions of the parties on these tables. Table I is as follows:

When porters booked and sent home

Days	Earning	R. C. A.	R. off.	D. A.	H. A.	Total
A 26	Rs. 19.50	25.50	9.60	94.30	15	Rs. 163.90
B 26	Rs. 19.50	nil	nil	88.30	nil	Rs. 107.80

89. Shri Dutta sought to show from this table that a B category workman earned Rs. 58.10 less than the A category workmen when engaged on piece-rate work for an equal number of days in the month. I am afraid this method of calculation is defective. For instance, the earnings of Rs. 19.50 in both cases is hypothetical, and as pointed out by Shri Karlekar, the Chief Labour Officer of the Calcutta Port Commissioners the D. A. of Rs. 94.30 is never earned in a month. The rates compensatory allowance is as per the Revised Incentive Piece-rate Scheme 1964 which was the result of the unanimous recommendations of the Committee consisting of representatives of the Port Commissioners and the recognised unions. Therefore, the union's statement in the context of the scheme is misleading. To call the D.A. the daily content of the static element is inaccurate. Tables II and III filed by Shri Dutta also suffers from the same infirmities. As was explained by Shri Karlekar, it is never the position that B category workmen who put in 26 days attendance on piece-rate work would get the same total emoluments as the A category workmen because (a) the A category being permanent are on an incremental scale of pay (b) the higher the pay the higher the quantum of city compensatory allowance and (c) there will be a difference in the payment of the incentive allowance under clause (5) of the Scheme. I do not for these reasons accept the calculations contained in the 3 Tables filed by Shri Dutta as correct. It is rather surprising that if there was such difference in the real earnings of the B category the Unions would not have up till now sought relief through the appropriate forums which are competent to deal with such a claim.

90. *P.T.O. Concessions.*—P.T.O. concessions are at present being granted to the A category workmen in the Ports of Bombay, Calcutta, Madras and Cochin, on the analogy of what is granted to the employees of the Central Government. The Unions have claimed this benefit also for the B category workmen and have argued that this service benefit should not be denied to a class of workmen who have been in continuous employment of the ports for a number of years particularly as it is admissible to even temporary employees of the ports. The Port Administrations have opposed this demand on the ground that it cannot be granted by it to workmen who under the Government Resolution are to be treated as casuals. They have also raised the difficulties of the financial burden that would be imposed upon them and have pointed out other practical difficulties. In my opinion, there is substance in the difficulties expressed by the Ports. The demand for P. T. O. concessions is, therefore, held not to be justified.

91. *Permanency in service of B category workmen.*—The demand is that the B category workmen should be treated as permanent in service. They are to-day treated as casuals. I have recommended the promotion of 520 workmen from the B category to the A category in Calcutta Port after which they will automatically become permanent. But as long as they remain in the B category it is not possible to recommend the grant of permanency to them which would result in entitling them to all benefits which the A category are enjoying. I have, however, made other recommendations regarding the terms and conditions of service of the B category workmen in all major ports which constitute a considerable improvement on their present service conditions. In the circumstances, the demand for permanency of the B category cannot be recommended.

92. *House Rent Allowance for B category in Calcutta Ports.*—There is a demand by the B category workmen of Calcutta Port for their existing quantum of house rent allowance being raised from Rs. 10/- to Rs. 15/- per month which is the minimum rate of house rent allowance for A category and other employees of the Calcutta Port. This demand was not seriously opposed by the Port Commissioners who are prepared to concede the demand. I, therefore, recommend that the house rent allowance for B category workmen should be increased to Rs. 15/- per month with effect from 1-10-1965, the date on which the revised rate came into force.

93. *Uniforms.*—Uniforms have been demanded for the 'B' category workmen of Calcutta Port. The A category workmen are supplied with one woollen jersey in three years and I think that the same could well be supplied to the B category who do the same work. I, therefore, recommend that the B category shore workers be supplied with a woollen jersey once in three years, the first supply being made in November 1967.

94. *Roster Off.*—The Unions on behalf of the Calcutta Port shore workmen have made a claim that the B category workmen are entitled to roster off wages and their grievance is that when any leave or holiday is granted to them in the period of six days immediately preceding the rest day, they are deprived of their roster off day. The Calcutta Port and Dock Workers' Union has stated that since August 1963 the B category have been deprived of their roster off wages for the holidays on 15th August (Independence Day) 2nd October (Mahatma Gandhi's Birthday), Bijoya Dasami, Kali Puja and 26th January (Republic Day). The Calcutta Port Commissioners in their written statements in reply have stated that the B category workmen are not entitled to any leave or holiday under the Government Resolution. They are, however, granted weekly day of rest with wages under the Minimum Wages Act. They have further submitted that some of the Commissioners' holidays i.e. 26th January, 15th August, 2nd October, Bijoya Dasami and Kali Puja day in each year are declared *des-nos* by them and B category workers not being required to attend the call stand on these days do not get the benefit on those days for the purpose of earning their weekly day of rest.

95. I am of the opinion that the practice of the Calcutta Port Commissioners in this matter is clearly wrong. The workmen cannot be held not to have attended the call stand and given their attendance on these holidays because the Port's booking offices are closed on these days and even if the B category desire to record their attendance it would not be possible for them to do so. I think in this matter the Calcutta Port Commissioners appear to be taking a technical legal stand which also is of a doubtful validity considering the provision of the amended Rules 23 of the Minimum Wages (Central) Rules. The Bombay Port is, I am satisfied, following the correct practice in the matter of payment for the roster off day for its B category workmen. I would, therefore, recommend that when leave or any holiday granted to the B category workmen or any day on which the booking of this category of workmen is closed in the normal course, intervenes in the period of six days immediately preceding the rest day, the non-attendance on that shall not constitute a break for the purpose of entitlement to the roster off day with wages. This recommendation regarding roster off-day apply not only to the Calcutta Port but to the other ports which may be following the same practice.

96. With regard to the demand for leave facilities (privilege, casual and sick-leave), attendance money, paid holidays, gratuity and medical and housing facilities for the B category workmen they shall be treated on the same lines as the B category workmen in other ports in respect of whom I have made my recommendations in the foregoing paragraphs 27 to 39 of this chapter.

#### CHAPTER VII—Reference with regard to 'C' Category workmen

1. The Bombay Stevedores and Dock Labourers Union, which is affiliated to the Indian National Port and Dock Workers' Federation, in its written statement

of claim dated 23rd March, 1967, in the second reference relating to the 'C' category workmen after tracing the employment of A, B and C category workmen in the Bombay and Calcutta Ports to which I have referred earlier, has submitted that the number of workmen fixed to-day for A, B and C categories by the different Ports varies drastically being fixed without uniformity, principle or justification. It has contended that their numbers are unrealistic are arbitrarily fixed and that justice required that the present system should be overhauled to prevent existing exploitation of labour. It has submitted that there should not be any rank casuals at all in any major port in India and that there should be only A and B categories as are existing under the Dock Labour Board scheme recommended by Shri Vasist in para 616 of his Report. It has complained that in some ports C category workmen are not even put on the registers and that they do not get any service benefits and are only paid wages for the days on which they work. It has stated that there is no justification for the C Category workmen being denied all benefits of regular service considering that they are doing the same type of work which B category workmen do.

2. The New National Dock Workers' Union by a written statement signed by its General Secretary, Shri K. M. Rao filed on 10th January, 1967, has dealt with the employment of C Category workmen by the Bombay Port Trust. It has referred to the Trustees Resolution No. 611 dated 14th September, 1948, by which the Scheme for direct employment of dock workers was sanctioned which, *inter alia*, classified dock shore labour into two categories *viz.*, (a) non-scheduled permanent and (b) casuals. It has stated that the scheme provided for spot payment for the casual labour but at the same rate as for the A category; that the need for employment of casual labour was to depend upon the departmental exigencies and was not intended to reduce the employment of registered labour. It has stated that since then the conditions of service of all 'A' category workers have improved considerably and they are being provided with security of service, retirement benefits and liberal service conditions, but the C category, although doing the same work, have not been granted these benefits. It has submitted that the C category workmen are not being reasonably compensated and are being discriminated against. It has claimed that the C category workmen should be entitled to the same service benefits as are granted to the A category workmen.

3. The Transport and Dock Worker's Union, Bombay, in its written statement dated 14th March, 1967, signed by its Secretary, Shri Manohar G. Kotwal has submitted that though the C category workmen are being employed by the Bombay Port Trust since 1949, they are even to-day not being granted any of the fringe service benefits and are earning a meagre wage. It has submitted that under the existing conditions, a large number of B and C category workers would retire after having spent the best part of their lives in the service of the Port Trust, without getting any retiral benefits whatsoever. In para 10 of its written statement this union has stated:—

"No legislation in this country has ever contemplated to give the status of a social worker to any industrial worker employed in any industry whatsoever for such an unusually long and continuous period as is the fate of B and C category workers. On the contrary, the awards of various Industrial Tribunals have categorically stated that workers employed during the course of the year for more than 240 shifts should be treated as permanent workers and given the benefits of a permanent worker."

It has pointed out that foodgrain handling workers employed in the Bombay Docks, who number over 5,000, were formerly being treated as casual workers on the ground that (a) they were employed by contractors whose contract was subject to termination after two years and (b) the foodgrain handling work itself was considered to be of a temporary nature by the Government. But even these foodgrain handling workers are now covered by a Statutory Listing Scheme and are entitled to service benefits like provident fund, privilege leave, sick leave, free medical treatment, minimum guaranteed wage, attendance allowance, weekly off with pay, children's educational allowance etc. The union has, therefore, demanded that the exemption given to the port authorities from the provisions of the Dock Workers (Regulation of Employment) Scheme should be withdrawn; that in the other alternative both B and C categories should be abolished and under the principle of the Decategorisation Scheme, there should be only the A category and the Port Authorities should be allowed to engage casual workers only for the purpose of meeting the exigencies of demand, but in any case not as a regular feature; that, without prejudice, the C category should be abolished and the bulk of the workmen should be in A category which was the principle laid down in the Port Trust scheme as far back as in 1948; that the small number

f E category workers who would remain should be given the benefits similar to those enjoyed by the listed workers of the Ministry of Food, Government of India, in the Port of Bombay.

4. The All India Port and Dock Workers' Federation in its written statement has stated that the Scheme of Decasualisation of Shore Workers should be modelled on the lines of the provisions of the Schemes for Decasualisation of Dock Workers framed under the Dock Workers (Regulation of Employment) Scheme of 1948, which provides for two registers of dock workers (1) Monthly Workers and (2) Reserve Pool Workers, in place of the present system of A, B and C categories of workers, maintained by the Port Authorities, and that the present B and C categories of workmen should be merged into one common category equivalent to the Reserve Pool Workers and the A category workers should be equivalent to the workmen on monthly registers provided under the Scheme. It has also submitted that the present B and C categories of workmen should get all amenities and benefits such as leave with pay, provident fund benefit, medical benefits, P.T.O. and travel concession etc. available to the A category workers together with a minimum guaranteed wage for 21 days in a month and all vacancies in A category should be filled by promotion of all the B and C categories of workmen in order of their seniority.

5. The Calcutta Port and Dock Workers' Union in its written statement dated 30th December, 1966 has stated that the number of C category workers in the cargo handling shore work at Calcutta Port was on that date roughly about 140 and that their names were registered in the Regional Employment Exchange popularly called R.E.E., that these men are requisitioned from the Regional Employment Exchange and are sent to the working point direct from the Employment Exchange. The C category workers are booked shiftwise and are mainly employed for non-operational jobs and when exigencies arise they work in operational jobs also. This union has complained that the C category workmen though entitled to the same wages as the A category workmen under the terms of paragraph 11(d) of the Government Resolution of 20th July, 1958, are being denied the same. They are also not being granted the benefits of roaster off and other fringe benefits. This union has claimed that the C category workers should be given all the benefits and amenities and should be treated on par with A category workmen.

#### Bombay Port Trust

6. The Bombay Port Trust in its written statement filed in reply to the statement of claim of the Transport and Dock Workers' Union, has stated that the Dock Workers' (Regulation of Employment) Act, 1948 (IX of 1948) and the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, framed thereunder, were at no time applicable to the A, B and C categories of dock shore labour. It has denied that it had sought exemption from the said scheme on the assurance that the Port Trust would formulate its own scheme giving the benefit of the decasualisation scheme to the workmen; that on the other hand the Bombay Port Trust itself framed the scheme for the benefit of the dock shore labour in the year 1948 under T.R. No. 611 of 1948. It has also denied that the dock shore labourers were exempted from the provisions of the aforesaid Act and the Scheme on account of the assurance given by the Bombay Port Trust to the Government. It has submitted that the scheme introduced by the Bombay Port Trust under its Resolution No. 611 of 1948 included the C category to meet peak requirements or shortages due to excessive absenteeism by the employment of purely casual labourers whose names were not to appear on either register and who have to be made spot payment of wages. The employment of this labour was to be dictated solely by the departmental exigencies and was not intended to reduce the number of registered labourers. The Bombay Port Trust has emphasised that since 1948 it has always had three categories of workers, viz. A, B and C. It has pointed out that the Unions had chosen to object to the introduction of a third shift with the result that workers registered under the A and B categories were not available for work in the third shift. The employers, therefore, had no alternative but to work the third shift with exclusively casual workers, who are presently termed as C category mazdoors. They have stated that this attitude of the unions which made it necessary for the Port Administration to engage a large number of casual workers has been referred to in para 11(ii) of the Government Resolution dated 20th July, 1958. The Bombay Port Trust has denied that the scheme originally proposed by it contemplated only two categories viz., registered A category and the casual B category. The Bombay Port Trust has submitted that any reference to the scheme prevailing in respect of the Bombay Dock Labour Board is irrelevant because it is guided in the matter of recruitment of shore labour solely by para 11 of the Government Resolution. It has stated that the C category can legitimately look forward to promotion to A

and B categories and that is why the C category continues in employment without migrating to other occupations. It has further submitted that the C category must necessarily rank as casuals since nobody can predict with any degree of certainty the labour force required from day to day by the Bombay Port. The Bombay Port Trust has stated that the position of foodgrain handling workers who are listed by the Bombay Dock Labour Board has no relevance to the position of A, B and C dock shore mazdoors. It has submitted that if the B and C categories of mazdoors are recommended to be abolished there would be a large number of labour in the A category which would create further industrial disputes on the part of the A category mazdoors as their employment opportunities and their earnings would be very seriously affected.

7. In its written statement in reply to the statement of claim filed by the Bombay Stevedores and Dock Labourers' Union and the Indian National Port and Dock Workers' Federation the Bombay Port Trust has stated that it adopts its written statement dated 12th July, 1966 in relation to the B category mazdoors and its written statement dated 31st March, 1967 relating to the C category.

#### *Madras Port*

8. The Madras Port Trust has stated that the C category are purely temporary and are intended to supplement the demand of A and B categories of shore labour as and when occasion demands. It has explained that the C register was opened in 1956 in order that the Port Trust may have adequate labour of its own to meet any peak requirements without being called on to contract labour. It has further submitted that the engagement of C category labour is only a day to day affair and they are not prevented from taking employment under private agencies. The Madras Port Trust at one time had 1,000 men in the C register but their number gradually got reduced due to natural wastage and now it has come down to 590. As a result of the review of the shore labour strength in the year 1964 in the light of the commissioning of the new berths at J.D.S. and with reference to the subsequent settlements with the Madras Port Employees' Union the strength of A, B and C categories of shore labour were refixed as follows:—

A Category	..	1389
B Category	..	178
C category	..	612

9. Consequently, all C category shore workers who were entertained upto 1957 were transferred to A register as permanent employees and the remaining men who were on rolls upto 22nd November, 1964, were absorbed in the B register. The Madras Port Trust has stated that even though C category shore labour is ranked casual when compared to the A and B categories the rate of payment of wages to all the three categories is the same. It has pointed out that when C category shore labour is engaged on time rate basis they are paid a sum of Rs. 4.98 made up as follows:—

	Rs.
Time rate daily wage	.. 3.37
D.A.	.. 1.22
Interim Relief.	.. 0.39
	<hr/>
	4.98

In addition, the mistries are paid 25 paise as differential whenever they are engaged for work. When engaged on piece-rate work the C category worker is entitled to the daily wage of Rs. 3.94 which increases correspondingly to the increase in output as laid down under the piece-rate scheme. The C category enjoy the following benefits:—

Weekly off with wage after every six days of continuous working.

Holidays with wages—3 in a year. The wage on a holiday is the same as on an off day.

Ex-gratia payments—4%.

Compensation is paid under the Workmen's Compensation Act.

Further the C category labour is entitled for appointment to B register as permanent employees in order of seniority.

*Vishakhapatnam Port*

10. The submission of both the unions and the Port Administration of the Vishakhapatnam Port with regard to 'C' category workmen have been included in their written statements in respect of the 'B' workmen which have been noted earlier.

11. The Calcutta Port Commissioners in their written statement in the reference with regard to 'C' category workmen have stated that in terms of the Government Resolution of 20th July 1958 casual workers called the R.E.E. gang workers are designated as 'C' category workers. It appears that the practice in the Calcutta Port is that these 'C' category workmen are borne on the register of the Sub-Regional Employment Exchange at Kidderpore, Calcutta, and when required they are requisitioned day to day from the said Employment Exchange. There is no bar to the employment of 'C' category workmen for cargo handling work but they can be booked only after the Commissioners A and B category workers have been booked subject to the restrictions in the matter of booking their A category workers. The written statement goes on to state that there is seldom any occasion or necessity to book C category workers as the Port Administration carries excess number of workers in both A and B categories. When booked on cargo handling work they are paid in terms of the Revised Incentive Picce-rate Scheme 1964 which the Port Commissioners have emphasised was unanimously evolved by a Committee consisting of the representatives of the Port Commissioners and their two recognised unions, *viz.*, the Calcutta Port Shramik Union and the National Union of Port Employees. It has further explained that the C category workers are mostly engaged in work that does not involve handling of cargo e.g. shed sweeping, line cleaning, etc.

12. The statement annexed to its written statement gives particulars of the payments made to C category workers when engaged on work other than cargo handling and the fringe benefits enjoyed by them in comparison to A and B category workers. It appears that when engaged for cargo handling work on piece-rate/time-rated work the C category gets the daily content of Rs 47/- per month i.e. Rs. 1.47 per day as dearness allowance and the daily content of Rs. 11/80 per month i.e. 39 paise as interim relief. When sent away after roll call without being booked for work a retention of 75 paise is paid per shift as in the case of the B category as shown in the statement.

13. I may state that the employment of C category labour has never posed much of a problem in the Calcutta Port as the number of C category workmen engaged by it has always been very limited, their present number being only 70. In fact, the Calcutta Port does not even maintain a register of its C category workmen as they are requisitioned from the Employment Exchange as and when required. Since they are recruited from the Employment Exchange it is not always the same workers who are sent for work by the Employment Exchange. I may straightforwardly say that it will not be possible to apply the directions which I am giving with regard to the absorption of the C category workmen into B category in respect of the Calcutta Port as the position there is completely different from the position of C category workmen in the other major ports.

14. The Cochin Port Trust has not filed any separate written statement with regard to the C category workmen but by its letter dated 3rd May 1967 the Cochin Port has stated the additional benefits which have been extended to its shore labour.

15. To summarise briefly as the C category workmen are being treated as mark casuals at all Ports and they are not entitled to any medical aid, privilege leave, sick leave or casual leave. They also do not get the benefit of provident fund nor of special gratuity, leave travel concessions or festival advance. The only service benefit which they enjoy is in Madras and Cochin Ports of paid holidays and in Bombay of *ad-hoc* holidays declared on account of death of high dignitaries which is also granted to B category workmen.

16. Having stated the submissions of the Parties, I may state that it is clear that the main grievance of the unions is against the very existence of three categories of shore workers. They have urged that there should be only two categories of workmen on the shore side as there are on the Dock Labour Side and that no casual labour must be employed on shore work. They have argued that the ports of Bombay, Madras, and Cochin and recently Visakhapatnam, have been continuously employing a large number of C category workmen who get work for the majority of days in the month. They have stated that this was never contemplated by the report of the O.S.D. Shri Chaudhuri, or under the Government Resolution. They have further argued that if Calcutta Port can manage

with so limited a number of C category workmen as only 70 the other Ports also can either do away altogether with the C category workmen or drastically reduce their number.

17. I have earlier given the figures of employment of C category labour in Bombay and the other ports, which I am reproducing presently in a slightly different form. I agree with labour's contention that it was never contemplated under the Chaudhuri Report or the Government Resolution thereon that the Ports would maintain such a large number of C category workmen. The justification of the Ports is that work in the Ports is so unpredictable that they must necessarily keep a fairly large number of experienced and trained shore workers who would be available to them to cope with sudden and sporadic spurts of work and also for peak requirements. It cannot be denied, as rightly pointed out by the O.S.D. in his report, that:—

"Port and Dock work involves a great variety of jobs calling for labour and arising out of numerous and diverse demands, often made without material warning but invariably requiring immediate attention. There are also the natural uncertainties, accentuated by the vagaries of tide, weather, monsoons and such other conditions associated with the movement of ships. Many of the factors which directly lead to the casual conditions in traffic are beyond the control of the Port authorities, or for that matter, of the importers and exporters."

18. It, however, does appear to me that even today the same tendency as was noticed by the Royal Commission on Labour in 1931 still continues to linger. The Royal Commission on Labour pointed out that:—

"There is usually labour in excess of immediate requirements and the tendency is for employers to encourage larger reserves than necessary in order to provide ample margins against emergency".

In my opinion, the margin provided by the number of C category employed, in all Ports, except Calcutta, is excessive and the unions are right when they complain that all Ports except Calcutta are maintaining C category workmen on their registers in excess of even their peak requirements whom they are treating as rank casuals and unjustly denying the benefits to which the workmen on regular work are entitled to. Whilst I do not agree that total abolition of the C category is justified, in my opinion there is a complete case made out by the unions for the number of C category workmen being reduced substantially and limited to a smaller number than are at present employed.

19. An analysis of the A, B and C categories of workmen employed at present at the various Ports, as shown in the table I have reproduced below, shows that the percentage of the number of C category workmen employed bears to the total of A and B categories employed in each of those Ports, is undoubtedly excessive.

TABLE I

Port	Total number of workmen in A category	Total number of workmen in B category	Total of A and B categories	Total number in C category	Percentage of C category workmen to total of A&B
I	2	3	4	5	6
Bombay . . .	3700	1500	5200	1170	22·5%
Madras . . .	1374	177	1551	565	37%
Cochin . . .	350	264	614	664	108%
Visakhapatnam . .	1390	180	1570	499	32%

20. Even taking the percentage of the number of C category to the total number of A, B and C categories, the result shows that C category workmen constitute a much larger percentage than was contemplated by the S.D.O.'s recommendations.

TABLE II

1 Port	2 A	3 B	4 C	5 Total number	6 Percentage of C(4) total No. of (5)
Bombay . . .	3700	1500	1170	6370	18.35
Madras . . .	1374	177	565	2116	26.58
Cochin . . .	359	264	664	1287	51.65
Visakhapatnam . . .	1590	180	499	2069	24.15

21. In my opinion there is no doubt that the maintenance of such a larger number of workmen in the C category is clearly in excess of requirements and their number must, in fairness to these class of employees and in the interest of industrial peace be limited.

22. I am of the opinion that the proper thing to do would be to limit the number of 'C' category to 15% of the total number made up of A, B and C categories. Further as in my opinion it is unfair to keep even the C categories as casuals for a number of years and deny them the service benefits which B category get, I would direct that on completion of 4 years continuous service in the C category, the C category workman will automatically be promoted to the B category and start getting the service benefits which the 'B' category workmen would be entitled to.

23. I would further recommend that the question of employment, remuneration and service conditions of 'C' category should be reviewed at the end of 4 years.

#### CHAPTER VIII—Conclusions and Acknowledgments

Under the terms of the two references I was called upon to enquire into the terms and conditions of service of the B and C category workmen in the major ports. I held the enquiry in Bombay, Calcutta and Cochin. I have heard the detailed submissions of the representatives of both the Port Administrations and the Federations and Unions representing the B and C category workmen. There is no doubt that there is considerable dissatisfaction in the B and C category workmen because of the denial to them of even the ordinary service benefits although both categories of workmen have been in continuous employment in the major ports of Bombay, Calcutta and Madras for a number of years. It was clear at the very start of the enquiry that the conditions of recruitment and employment of the A, B and C categories did not conform to the Government Formula and I have in this Report pointed out the existing disparities in this regard in the Major Ports under reference. After an anxious consideration, I have come to the conclusion that the Government Formula of 20th July, 1958, does not meet the exigencies of the situation and has resulted in most of the ports entertaining continuously over a period of years a large number of workmen on their B and C registers whom they call casuals and rank casuals. I have come to the conclusion that the B category workmen have unjustifiably been treated as casuals. I think it is not right that the C category workmen should be allowed to be treated as rank casuals even after they have put in several years continuous service and that a limit should be placed on the number of workmen that can be employed in the 'C' category. I have, also limited the period during which the C category workmen can be treated as rank casuals to four years after which they will automatically be raised to the 'B' category for whom I have recommended reasonable service benefits. I should have liked to have given to the B category workmen all the benefits of service which temporary employees of ports enjoy, but I have hesitated to do so because of the heavy financial burden

that would be imposed upon the ports. No doubt, the Ports have not specifically pleaded any financial incapacity but no Courts of Enquiry dealing with such a large body of employees can close its eyes to the financial aspect of its recommendations. I have allowed the retention of a certain number of C category workmen limiting it to 15% of the total of the A, B and C categories of workmen because, in my opinion, the Ports must be allowed a nucleus of workmen on whom they can depend for sudden spurts of traffic and peak requirements which is such a marked feature of the working of all Ports. I reproduce below the service benefits which I have recommended for the 'B' category workmen and I should like to make special mention of the benefit of terminal gratuity which I have recommended for the B category. I have also granted a substantial increase in the attendance money payable to them and have recommended the grant of privilege, sick and casual leaves. Under my recommendations both B and C categories of workmen will now get five paid holidays in the year.

*Attendance money for B category workmen.*—The B category workmen who report for duty but are not provided with work shall be paid an attendance money of an aggregate of Rs 1.75 per day. There will, however, be no separate dearness allowance on this amount of attendance money. (Chapter VI page 17 paragraph 27).

*Privilege Leave.*—The 'B' category workmen should be granted privilege leave at the rate of one day for every 17 days' attendance calculated with effect from 1st January 1967. This rate of leave shall be applicable to all workmen who have completed one year's service in the 'B' category. The privilege leave shall be allowed to be accumulated to the extent of the entitlement for three years. (Chapter VI page 20 para 32).

*Sick Leave.*—A provision of 14 days' sick leave in the year on half pay or 7 days in the year on full pay would be reasonable. Sick leave is the one leave which by its very nature calls for a provision for its accumulation so that a workman when he is suddenly taken ill can use the accumulated sick leave standing to his credit. The 'B' category shore workers shall be entitled to accumulation of sick leave for 84 days on half pay or 42 days on full pay (Chapter VI page 21 paragraph 33). Date of effect—1st January 1967.

*Casual Leave.*—A provision for 5 days' casual leave in the year on the following two conditions would be fair and it is recommended accordingly.

(1) Casual leave is not to be taken as of right but to be availed of only in emergent and unforeseen circumstances;

(2) there should be no accumulation of casual leave.

It is granted from the next calendar year i.e. with effect from 1st January 1968 (Chapter VI page 22 para 34).

*Paid Holiday.*—A provision for paid holidays is necessary for both the B and C categories and 5 days in the year would be adequate. Of these five days, three days will be National Holidays viz. Republic Day (26th January), Independence Day (15th August) and Mahatma Gandhi's Birthday (2nd October). The other holidays to be fixed by the Port Administrations, in consultation with the unions, but ultimately at their discretion depending upon the importance of the local festivals. This shall come into effect from 1st October 1967 (Chapter VI page 23 paragraph 35).

*Gratuity.*—A uniform system of gratuity applicable to all the five ports is necessary. The Bombay Port Trust has a gratuity scheme for its temporary employees under the Bombay Port Terminal Benefits (Temporary Service) Rules. Such a scheme would provide adequate requirement benefits by way of gratuity to the 'B' category workmen of all ports. This scheme shall come into effect with effect from 1st October 1967. (Chapter VI page 23 paragraphs 36, 36(a) and 36(b)).

*Medical facilities and housing.*—In the matter of medical facilities and housing the 'B' category workmen in all ports should have the same facilities as the A category workers except that the A category will have prior claim in regard to these matters. (Chapter VI page 23 paragraph 37).

*Promotion to category 'A'.*—All vacancies occurring in category 'A' because of natural wastage or other causes shall be filled in by promotion from the 'B' register to the vacancies so caused (Chapter VI page 25 paragraph 38). For the Calcutta

Port however there is a separate recommendation. (See Chapter VI page 55 paragraph 86).

*House Rent Allowance for 'B' category workmen in Calcutta Port.*—The house rent allowance for B category workmen should be increased to Rs. 15/- per month with effect from 1-10-1965 (Chapter VI page 58 paragraph 92).

*Uniforms for 'B' category workmen in Calcutta Port.*—The 'B' category shore workers should be supplied with one woollen jersey once in three years, the first supply being made in November 1967. (Chapter VI page 58 paragraph 93).

*Roster Off.*—When leave or any holiday granted to the B category workmen or any day on which the booking of this category of workmen is closed in the normal course intervenes in the period of six days immediately preceding the rest day the non-attendance on this day should not constitute a break for the purpose of entitlement to the roster off day with wages.

2. Before I conclude this Report I must express my thanks for the willing co-operation and assistance which I have received from the representatives of both the Port Administrations and the representatives of the Federations and Unions who appeared for the workers. I have had the benefit of detailed submissions made by both sides. On behalf of the Bombay Port Trust Shri M.R.S. Captain, Legal Adviser and Shri R. K. Shetty, Deputy Legal Adviser presented their cases in a fair and just manner. On behalf of the Calcutta Port Commissioners Shri C. V. Karlekar, Chief Labour Officer assisted by Shri Sen also spared no pains in presenting their case and have willingly filed all the documents and particulars which I called for. On behalf of the Madras Port Trust Shri V. A. Jaywant, Traffic Manager, presented his case in an impartial and competent manner. For the workmen Shri S. G. C. Antony Pillai, Vice-President of the All India Port and Dock Workers' Federation and President of the Mairas Port Trust Employees' Union addressed me at length and gave a lot of detailed information and he was ably assisted by Shri S. R. Kulkarni, President and Shri Makhan Chatterjee, General Secretary of the Federation. Shri Manohar Kotwal, Secretary of the Transport and Dock Workers' Union, Bombay, raised every discussion in which he participated to a high level by cogent reasoning. Shri H. N. Trivedi, President of the Indian National Port and Dock Workers' Federation and Shri K. K. A. Nair on behalf of the Port and Dock Workers' Association, Bombay made constructive and practical suggestions which have proved of great help to me. Shri P. K. Dutta, Joint Secretary of the Calcutta Dock Workers' Union and Shri P. K. Ganguly, General Secretary of the National Union of Port Trust Employees (also known as National Union of Waterfront Workers) ably advocated his case. At Cochin I have had the benefit of able submissions by Shri T. C. N. Menon, Advocate for the All India Port, Dock and Waterfront Workers' Union and the Cochin Port Employees' Union and Shri K. A. Kochunny for the Cochin Port Thuramugha Thozhilal Union and the Cochin Port Workers' Union. I owe a special debt of gratitude to Shri D. S. Basrur, Deputy Docks Manager of the Bombay Port Trust who always readily responded to my requests for information and particulars and whose ripe experience in the handling of the shore labour of Bombay Port was of real assistance to me.

3. I must also express my appreciation of the services rendered by Shri K. S. Rama Iyer my Private Secretary, who virtually acted as Secretary to this Court of Enquiry. Although a post of Secretary was sanctioned, it was not filled and Shri Iyer had to do the work of the Secretary in addition to his various other duties. I am also thankful to Miss. M. Sabharathnam, B.Sc., formerly Senior Clerk of the Tribunal, Shri M. B. Anchan, now Senior Clerk in the Central Government Industrial Tribunal and Shri S. A. Khimji, Stenographer of the Central Wage Board for Engineering Industries, who readily and willingly attended to the work in connection with the preparation of this Report.

(Sd.) SALIM M. MERCHANT,  
Sole Member,  
Court of Enquiry.

## BOMBAY PORT TRUST

*Consolidated comparative statement showing the various benefits that are being enjoyed by the 'A', 'B' and 'C' category shoreworkers of Bombay, Cochin, Madras and Calcutta Ports*

Sl. No.	Nature of benefits	Port	Category 'A'	Category 'B'	Category 'C'	Remarks
1	2	3	4	5	6	7
1	Differential on account of wages for gang leaders when engaged on piece rate work.	Bombay .	A gang leader of 'A' category Mazdoor is designated as Morpia, and is placed on a higher incremental scale of pay viz., Rs. 5-0-3 (daily) to Rs. 5-8-6 (daily) as against the scale of the ordinary 'A' category mazdoors ranging from Rs. 3-14-0 (daily) to Rs. 4-8-0 (daily). The difference between the minimum of the piece rate wages are processed and the Morpia's pay in his incremental scale, is paid to the Morpia as a differential on account of wage when he is employed on piece rate work.	Rs. 1-3-3	Rs. 1-3-3	The differential for 'B' and 'C' categories for other than piece rate work is Rs. 1.2.3.
		Cochin .	Re. 0.40 p. each per shift.	Re. 0.25 p. each per shift.	Re. 0.25 p. each per shift.	
		Madras .	"Maistries" Re. 0.30 each per day.	Re. 0.25 p. each per day.	Re. 0.25 p. each per day.	
		Calcutta .	***"Sirdar" He is paid on monthly basis a Sirdari Allowance of Rs. 20/- per month.*	The Sirdar gets the daily No. Sardar content of the Sardari Allowance of Rs. 20/- per month.*		

*Rs. 4.25 per mistry of O.H.L.	Vishakapatnam	Rs. 4.75 per mistry of S.H.L.	No Maistry.	No Maistry.
Rs. 3.25 per worker of O.H.L.		**Rs. 3.75 per worker of S.H.L.	Rs. 3.75 per worker. No Maistry. Rs. 3.25 per worker.	Rs. 3.75 per worker. No maistry Rs. 3.25 per worker.
2 Dearness Allowance . . . . .	Bombay . . . . .	Rs. 1-7-6 for those whose pay in the appropriate monthly authorised scale is below Rs. 110/- and Rs. 2-3-9 for those whose pay in the appropriate monthly authorised scale is Rs. 110/- or over but below Rs. 150/- as on 13-8-1966.	Rs. 1-7-6.	Rs. 1-7-6.
Cochin . . . . .		Re. 0.76 p. each per shift as additional Dearness Allowance.	Re. 0.76 p. each per shift.	Re. 0.76 p. each per shift.
Madras . . . . .		Re. 0.92 p. each per shift as additional Dearness Allowance.	Re. 0.92 p. each per day	Re. 0.92 p. each per day.
Calcutta . . . . .		Rs. 38/- per month	Daily content of Rs. 38/- i.e. Rs. 1.27 per day when engaged on piece-rated/Time-rated work and for the weekly day of rest.	Daily content of Rs. 38/- i.e. Rs. 1.27 per day when engaged on Piece-rated/Time-rated.
Vishakhapatnam		Re. 0.88 per day per head	Re. 0.88 per worker per day.	Re. 0.88 per worker per day.
3 Interim relief on the basis of the Wage Board's recommendation.	Bombay . . . . .	Re. 0.30 p. per diem.	Re. 0.30 p. per diem.	Re. 0.30 p. per diem.
	Cochin . . . . .	Re. 0.26 p. each per shift.	Re. 0.26 p. each per shift.	Re. 0.26 p. each per shift.
	Madras . . . . .	Re. 0.26 p. each per day.	Re. 0.26 each per day	Re. 0.26 p. each per day.
	Calcutta . . . . .	Rs. 7.80 per month.	Daily content of Rs. 7.80 i.e. 26 paise per day when engaged on piece rated non-operational work and for the weekly day of rest.	Daily content of Rs. 7.80 i.e. 26 paise per day when engaged on Piece rated/Time rated Non-operational work*
Vishakhapatnam.		Re. 0.39 per worker including maistry per day.	Re. 0.39 per worker per day.	Re. 0.39 per worker per day.

1	2	3	4	5	6	7
4 Night Weightage . . .	Bombay . . .		There is a built in weight-age in working hours for two night-shifts, each of which is of 6 hours' duration as against 8 hours prescribed for the day shift.	Same as in the case of 'A' Category.	Same as in the case of 'A' Category.	
	Cochin . . .		A weightage of 10 minutes is allowed for every hour worked after 10 P.M. Wages at time-rate is being paid for this period of weightage.	Same as in the case of 'A' category.	Same as in the case of 'A' category.	
	Madras . . .		No night weightage is paid to shore labours since their shift work period between 10 P.M.—6 A.M. does not exceed the normal shift hours.			
	Calcutta . . .		A weightage of 10 minutes is granted for every hour work after 10 P.M. wages at time rate are paid for the period.			
Night allowance . . .	Visakhapatnam . . .		Re. 1/- per worker, per shift in case of S.H.L. Workers only (Bags & Bales).			
5 (a) Attendance money (when sent away after roll call without being booked for work)	Bombay . . .		Rs. 2-5-0	Rs. 1-0-0	Nil	
(b) Dearness Allowance . . .			Rs. 1-7-6	Nil	Nil	
(c) Differential for gang leaders only			Nil	Nil	Nil	
(a) " . . .	Cochin . . .		Rs. 1-50 each	Re. 1-00 each	Nil	
(b) " . . .			Re. 0-60 P. each	Re. 0-60 P. each	Nil	
(c) " . . .			Re. 0-40 P. each.	Re. 0-25 P. each	Nil	
	Madras . . .		Rs. 1-50 each per day	Re. 1-00 each per day	Nil	

(a) Attendance money Calcutta (When sent away after roll call without being booked for work).	Retention : -75 paise per shift whenever on attendance not given employment within 2 hours from the start of the shift and sent home plus the daily content of the static element.	75 paise per shift when a 'B' category worker is booked on Piece-rate/Time-rate work plus the daily content of the static element.	Retention of 75 paise per shift as in the case of 'B' category workers.
(b) Attendance in Call Stand	Nil	Attendance money, if the worker attends Call-stand and is not booked for work Re. 1/- per day.	Nil.
(c) Dearness Allowance.	Retention: Daily content of the Dearness Allowance. (Sl. No. 2 above).	Retention: Daily Content of the Sl. No. 2 above. (5b) Nil	Retention: Daily component of the Dearness Allowance (Sl. No. 2 above) (5b) Nil
(d) Differential for gang leaders.	Same as in Sl. No. 1 above.	Same as in Sl. No. 1 above.	Nil.
6 Weekly off day wages . . . . . Bombay . . . . .	Rs. 3-1-0 for mazdoor, Rs. 3-7-0 for morpia plus the differentials on account of the wage, D.A. and interim relief of 0.30 P. per day to both.	Rs. 3-1-0 plus the differentials on account of D.A. and the interim relief.	Rs. 3-1-0 plus the differentials on account of D.A. and the interim relief.
Cochin . . . . .	Eligible for weekly off day.	Eligible for weekly off day.	Nil.

1	2	3	4	5	6	7
		Madras . . .	Eligible for weekly off with pay after every six days of continuous work. (for this purpose, leave, holidays with pay, and days on which attendance money are paid are deemed as days of work).	Eligible for weekly off after six days of continuous work (for this purpose holidays with pay and days on which attendance money are paid are deemed as days of work).	Eligible for weekly off with pay after every six days of continuous work.	
		Calcutta . . .	Rs. 2·40 plus the daily content of the static elements.	Daily content of their static elements.	Nil	
		Visakhapatnam . . .	Eligible for weekly day off with time rate wages.	Eligible for weekly day off with time-rate wages.	Eligible for weekly day off with time-rate wages.	
7. Medical Aid	.	Bombay . . .	Admissible to employees and to the members of their families according to rules.	Admissible to employees and their families by practice.	Not admissible.	
		Cochin . . .	Eligible for free medical aid at the Port Hospital for themselves and their families.		@@	
		Madras . . .	Eligible for free medical treatment at Trustees' Hospitals for themselves and their families.	Eligible for free medical treatment for themselves only.	Nil	
		Calcutta . . .	Indoor and outdoor medical facilities available to self and dependent family members.	Sirdar: Indoor & outdoor medical facilities available to self and dependent family members.	Nil	
		Vishakhapatnam	Eligible for self only, cost of medicines are reimbursable as per rules.	Eligible for self cost of medicines are reimbursable as per rules.	In case injury on duty at Port dispensary.	

<b>8. Paid Holidays</b>	Bombay . . .	13 holidays in a year and such other ad hoc holidays as are declared.	Ad hoc holidays declared only on account of death of dignitories.	Same as 'B' Category.
	Cochin . . .	14 days in a year	4 holidays in a year	4 days in a year.
	Madras . . .	8 days in a calendar year of which six are closed holidays.	3 holidays in a calendar year.	3 holidays in a calendar year with pay.
	Calcutta	19 holidays in a year	Nil	Nil.
	Vishakhapatnam	9 closed holidays with time rate wages.	3 closed holidays with time rate wages.	Nil.
<b>9. Casual Leave</b>	Bombay . . .	10 days after completion of 1 year's service.	Nil	Nil.
	Cochin . . .	9 days in a year.	Nil	Nil.
	Madras . . .	15 days in a year.	Nil	Nil.
	Calcutta	Eligible for Casual Leave for the number of days by which the total number of paid holidays falls short of 21 days in a calendar year.	Nil	Nil.
	Vishakhapatnam	12 days with time rate wage.	Nil	Nil.
<b>10. Earned Leave</b>	Bombay . . .	1/22 of the period spent on duty in respect of the first year of service and 1/11 thereafter and 20 days Half Pay Leave for every completed year of service.	Nil	Nil.
	Cochin . . .	As per Cochin Port Employees (Leave) Regulations, 1964.	Nil.	Nil.
	Madras . . .	As per part J of M.P.T. Leave Regulations extracted below:	Nil.	Nil.

1	2	3	4	5	6	7
			1/11 of the period spent on duty: provided that he will cease to earn such leave when earned leave due amounts to 180 days.			
		7. (2) The Maximum earned leave that may be granted to him at a time shall be 120 days.				
	Calcutta . . .	1/11th of the period spent on duty and 20 days Half Pay Leave for every completed year of service.	Nil	Nil.		
	Visakhapatnam . . .	One day for every 22 days of working in 1st year of service and 1 day for every 11 days of work from 2nd year onwards.	Nil	Nil.		
II. Provident Fund Benefits	Bombay . . .	8-1/3% of pay after one year of service.	Nil	Nil.		
	Cochin . . .	As per Central Contributory Provident Fund Rules. The C.P.F. Contributions in respect of the 'A' Category shore labour is to be calculated at the rate of 8-1/3% of the following emoluments of the workers.	Nil	Nil.		

*In the case of a worker  
(Mazdoor)*

Basic monthly pay admissible to him in the notional scale of Rs. 70-1-85-E.B.-2-89.

*Plus*

A sum of Re. 0·49 paise per day for such number of days as he is engaged on piece-rate work.

*Plus*

A sum of Re. 0·49 paise per day for such number of days as he is placed, for want of work, on attendance allowance provided he is engaged wholly or partially in piece-rate work on the day immediately preceding the day on which he draws the attendance allowance.

*In case of Gang Leader  
(Mistry)*

Same as above except that for this purpose a differential of Rs. 10- per mensem should be added to the basic monthly pay admissible.

I	2	3	4	5	6	7
Madras . . .		As per the M.P.T. Contributory P.F. Regulations. The contribution in respect of 'A' Category shore Maistry is calculated at 8-1 3 per cent of his basic pay according to the notional scale of Rs. 70-1-85-EB-2-89 plus process allowance plus the differential of Rs. 9 - per month.	Nil.			
Calcutta . . .		In the case of a Mazdoor : Nil. same as above without adding the differential of Rs. 9 - subscribe at the rate of 8-1 3% of the basic pay. Commissioners contribute an equal amount.	Nil.			
Visakhapatnam . . .		8-1 3% on time rate wages, leave wages, holiday wages and wages paid on weekly days of rest.	Nil.			
12 Special Contribution (Gratuity) Calcutta . . .		As Specified in Rule 23 (c) (ii) of the Commissioners Contributory Provident Fund Rules.				
Visakhapatnam . . .		15 daytime rate wages for every completed year of service.	Nil.			

13	Leave Travel Concession	Bombay . . .	90% of the railway fare to Nil. from the house town excluding the first 100 miles of the journey both the ways for the employee and the mem- bers of his family en- tirely dependent on him once every two years.	Nil.
		Cochin . . .	As per Cochin Port Emp- loyees (L.T.C.) Regu- lations 1964.	Nil.
		Madras . . .	Eligible for concession as per rules once in a block of two years when an employee goes on E.L. to his house town for not less than 15 days for a distance exceeding 160 kilo meters.	Nil.
		Calcutta . . .	2/3 of the total value of Nil. tickets (inward and out- ward) for self and de- pendent family mem- bers.	Nil.
14	Festival Advance . . .	Bombay . . .	Rs. 75/- or one month's basic pay, whichever is less after completion of one year's service.	Advance against the employees earnings for the month in which the payment is made subject to the maximum of Rs. 37'50.
		Cochin . . .	Maximum of Rs. 70/- and Rs. 75/- for Maz- doors and leaders res- pectively.	Nil.
		Madras . . .	A month's pay in accor- dance with the National scale of pay Rs. 70-1- 85-EB-2-89 or Rs. 75/- whichever is less both for maistries and maz- doors.	Rs. 30/- recoverable in three equal instalments.

1	2	3	4	5	6	7
		Calcutta Visakhapatnam	A sum of Rs. 75/- in a year. Rs. 75/- per maistry Rs. 65/- per maistry	A sum of Rs. 30/- in a year. Rs. 65/- per worker. Rs. 25/- per worker.	Nil.	
15	Non-Operational payment.	Calcutta	'A' Category workers are not engaged on Non-operational work.	Rs. 3.84 per shift.	Rs. 3.84 per shift.	
16	House Allowance		Rs. 15/- per month (Not living in Quarters)	Daily content of Rs. 10/- i.e., 0.33 P. when engaged on Piece-rated/Time-rated work and for the weekly day of rest.	Rs. 0.33 Paise per day Piece-rated/Time-rated work.	
17	Housing facility		Free, if provided	Not provided yet	Not provided.	
18	Loan		(i) <i>From Provident Fund</i> At the rate of 3 times and 6 times of pay for marriage and sickness respectively renewable after refunded fully. (ii)*	Nil.	Nil	
19	Compensatory allowance		Minimum of Rs. 7.50 or 10% of the basic pay. (ii)* <i>From Welfare Fund</i> Subject of a maximum of Rs. 300/- for marriage, house repair, medical treatment etc.	Daily content or Rs. 7.50 i.e., 25 Paise per day when engaged on Piece-rated/Time-rated work and for the weekly day of rest.	Rs. 0.25 Paise per day when engaged on Piece-rated/Time-rated work.	

\*\*Each porter in 'A' Category gangs without Sirdar gets Rs. 20/- per month by rotation when called upon to perform the duties of Sirdar in addition to his own. Porters of 'B' Category gangs without Sirdar are eligible by rotation in the months they are called upon to perform day today duties of the Sirdars in addition to their own, for the daily content of Rs. 20/- per month.

\*The daily contents in all these cases would vary according to the number of days in the month. For the purpose of present calculations the month has been assumed to consist of 30 days.

#### Static element of 'A' Category

	Rs.
Pay	25.00
Wage differential	15.00
Dearness Allowance	38.00
Compensatory Allowance	8.00
Interim Relief	7.80
	<b>94.80</b>

(Difference between Rs. 70,- the minimum  
the scale of pay of Rs. 70-1-85-EB-2-89  
and Rs. 45/-, the Monthly Earning Gu-  
aranteed.)

#### Static Element of 'B' Category

	Rs.
Adjustment Allowance	25.00
Dearness Allowance	38.00
Compensatory Allowance	7.50
Interim Relief	7.80
House Allowance	10.00
	<b>88.30</b>

@@ Ordinarily the 'C' category workmen will be entitled to medical treatment when they are actually in employment, the only exception being in the case of workmen who meet with accidents in the course of employment, in which case treatment as necessary will be given even when not in employment. In addition to this they are eligible for out-patient treatment in the Port Hospital provided they have been present for work (without leaving the work spot) on all the days when their gang was called upon for work in the previous 14 occasions. The workmen falling ill or receiving injuries due to causes other than accidents while on duty will be given in-patient treatment in the Port Hospital if, in the opinion of the Port Doctor, hospitalisation is necessary, provided there is sufficient accommodation in the port Hospital and in the case there is no accommodation in the port Hospital or when the Doctor thinks that outside facilities are required, the patient will be sent to other hospitals at Ernakulam or Mattancherry, the necessary expenses being met from the Cochin Port Welfare Fund, the Port Ambulance being used for transporting the patient from the Port Hospital to the Hospitals outside Willingdon Island.

[No. 28/82/67-LRIII.]  
P. C. MATHEW Secy.

